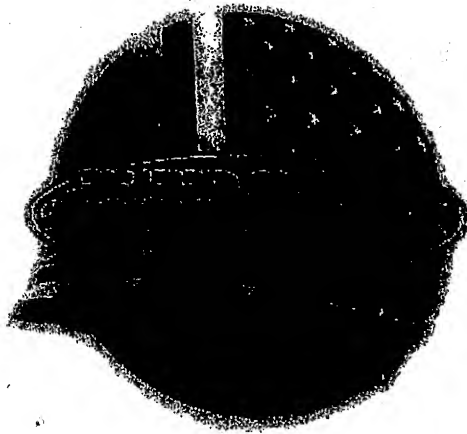


FREEDOM OF INFORMATION
AND
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub D (1)



FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT Julius Rosenberg

FILE NO. 65-15348
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VOLUME NO. 1

SERIALS 1

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File No: 65-15348Re: RosenbergREVIEWED BY efgDate: 3/78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1	8/8/51	Natl. Guardian News Clipping	1	1	
2	8/15/51	{	3	3	
3	8/22/51		3	3	
4	8/22/51		6	6	
5	9/2/51		10	10	
6	9/5/51		4	4	
7	9/5/51		3	3	
8	9/12/51		6	6	
9	9/19/51		8	8	
10	9/26/51		9	9	
11	10/3/51		3	3	
12	10/17/51		2	2	

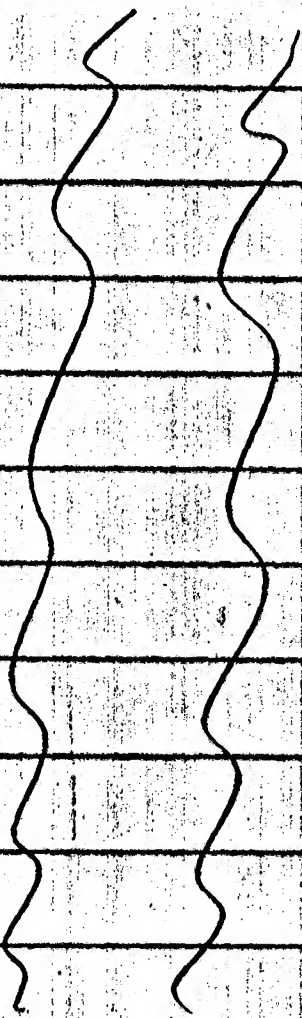
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(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
13	10/10/51	Natl. Guardian News Clipp	4	4	
14	10/24/51		2	2	
15	10/31/51		1	1	
16	11/7/51		1	1	
17	11/7/51		1	1	
18	11/14/51		1	1	
19	11/21/51		1	1	
20	11/28/51		1	1	
20A	12/5/51		1	1	
21	12/19/51		2	2	
22	12/26/51		2	2	
23	1/9/52		4	4	

File No: 65-15348Re: RosenbergREVIEWED BY esgDate: 3/78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
24	1/12/52	N.Y. News Clipping	1	1	
25	1/16/52	Natl. Guardian News Clip	3	3	
26	1/23/52		1	1	
27	2/13/52		1	1	
28	3/5/52		5	5	
29	3/12/52		1	1	
30	3/26/52		1	1	
31	3/26/52		1	1	
32	3/26/52		1	1	
33	4/2/52		1	1	
34	4/16/52		1	1	
35	5/15/52		1	1	

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Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
36	6/12/52	Natl. Guardian News. Clipp	1	1	
37	6/19/52		1	1	
38	9/25/52		1	1	
39	10/9/52		1	1	
40	10/9/52		2	2	
41	10/9/52		1	1	
42	10/30/52		1	1	
43	11/20/52		1	1	
44	11/20/52		1	1	
45	11/20/52		1	1	
46	11/20/52		12	12	
47	11/27/52		1	1	

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Date: 3/78
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15-15348-D-1

In Sing Sing death house, an 8-year-old cold-war victim asks:

'Daddy, when are you and Mommy coming home?'

SPECIAL TO THE CHRONICLE
TWO New York children, aged 8 and 4, who had not seen their parents in a year, saw them again last Wednesday. They spent one hour with their mother and were then told: "Mommy has to go somewhere now"; then an hour with their father—and then a train took the two little boys away.

The place to which their mother and father had to go was back to their silent, solitary cells in the Sing Sing death house. They are Ethel and Julius Rosenberg, awaiting execution as "atom spies." Sing Sing Warden Denno had managed to arrange for them to see their children separately in the second-floor Council Room of the death house—the first time any death house occupant has ever been allowed to see a visitor except through bars.

Mr. and Mrs. Rosenberg had agreed months ago that when they

were allowed to see the boys they could conceal their longing and grief and the whole tragedy in which they are enveloped. The visit was to be as constructive as it could possibly be for the children.

YOU KNOW WE'RE INNOCENT
At first the younger boy hardly recognized his mother, but then he gained assurance and came to her as she played with his brother. Mrs. Rosenberg had brought candy bars from the jail canteen and a Fire-side Song Book with songs the children knew, which they sang with her. The only other gift she could bring was a collection of insects she had gathered in the jail yard where she walks and plays handball with herself for an hour each day.

When she returned to her cell, and her husband was brought into the Council Room, the smaller boy climbed in his lap and the elder boy said: "I can play chess now, Daddy!"

and asked questions about chess. The older boy asked: "When are you and Mommy coming home?" and said:

"I heard on the radio that Uncle Sam's little invention, called atom bomb, suddenly melted the Rosenbergs' gut right in two. Now is it that so many people spoke against you and only Mr. David (the Rosenberg lawyer) spoke for you, today?"

Rosenberg said:

"You know and admit were spies and admitted it, and were tried to put the blame on us. You know we are innocent, we have always told you so, and I want you never to forget it. We are taking our case before the courts, and the facts will come out some day."

A SILENCE TO BE BROKEN: The children returned to their grandmother's, where they are living, in good spirits. The eight-year-old—big enough to understand something of the situation—was confident his parents' innocence would be established and they would come home. Nobody knew what went on in the mind of the four-year-old boy.

There were no reporters to record the emotion of the Rosenbergs as the silence of their cells closed on them again. But these are two stacked people who know of what they are the victims. Attorney Bloch on Thursday obtained an extension from Aug. 13 to Oct. 15 for filing the record and brief in their appeal.

Between now and then the GUARDIAN will expose the "evidence" on which two beloved and respected American parents, who have never ceased to proclaim their total innocence, have been ordered to their deaths by their government.



THE ROSENBERG CONVICTION

Is this the Dreyfus Case of cold war America?

THREE years ago, in our very first weeks of publication, the GUARDIAN set forth the details of the Trenton Six case for the first time beyond the immediate Trenton area. Our investigation convinced us then that the Six were innocent but that they could nevertheless be executed by the State of New Jersey unless a great public demand could be mobilized to free them. The rest of this story is well-known to GUARDIAN readers, who themselves undertook to reach the conscience of the nation and the world in this case, to win freedom for four of the accused men and save the lives of the other two.

Next week, the GUARDIAN will begin a similar expose of the case of Ethel and Julius Rosenberg, a young New York couple with two small boys, now in Sing Sing death house awaiting the outcome of their appeal in October against death sentences imposed on them as "atom spies" for the U. S. S. R. when that country did not ask.

We are convinced of the overwhelming probability that the Rosenbergs are completely innocent. We believe you will be convinced when we have had the opportunity to lay all the facts before you. We are confident that you will act as you did in the Trenton Six case, to win vindication for these young American parents and to repudiate the forces which would take their very lives as a propaganda measure in behalf of war and repression.

THE Rosenbergs were accused, tried and convicted last year as an aftermath of the confessed espionage of the British-employed German scientist Klaus Fuchs at Los Alamos atomic bomb project during World War II.

65-15348-D-2

Fuchs is now serving a 14-year sentence in England and is still working on projects for the British government. Four other persons confessed to complicity with Fuchs. Of these, Harry Gold was sentenced to 30 years, scientist Alfred Dean Slack to 15, Sgt. David Greenglass to 15; Greenglass' wife was never tried and walks free today.

Implicated by David Greenglass and his wife (Greenglass is Mrs. Rosenberg's brother), the Rosenbergs were the only defendants for whom the government asked a death sentence, although they have from the start maintained complete innocence of any knowledge or part of the plotting.

Weeks ago, the GUARDIAN assigned William A. Reuben—the reporter who originally uncovered the Trenton Six case and followed it for us for three years—to start work on the Rosenberg case.

On the basis of Reuben's findings, we contend this:

- That the very best that can be said for the government case is that it leaves such reasonable doubt of the Rosenbergs' guilt as to entitle them, by all American legal standards, to acquittal;

- That there are strong grounds for suspecting the Rosenbergs are victims of an out-and-out political frame-up.

ONLY a dozen years ago millions of Americans saw re-enacted, in the film *The Life of Emile Zola*, the Dreyfus frame-up in which a Jewish captain of the French army was sent to Devil's Island as a "spy" for Germany. Even when the alleged foreign principal was an enemy and not an ally, spies were not sentenced to death.

In peace-time in the unenlightened 19th century. In a series of newspaper articles under the heading "J'accuse!" the novelist Zola charged monarchist and clerical elements with deliberately framing Dreyfus, and after 13 years of frightful suffering Dreyfus' innocence was established.

Only 18 years ago the stage was set for the long night of Nazism in Germany when the Communist leader Georgi Dimitroff and the Dutch youth van der Lubbe were put on trial for burning down the Reichstag. Dimitroff turned his "defense" into an accusation of Hitler's Gen. Goering with such effect on world opinion that he was set free, but van der Lubbe was executed. Later the world learned the truth of what the German Left had said at the time—that Goering himself burned the Reichstag for purposes of this political frame-up.

Only 24 years ago the State of Massachusetts executed two beloved labor leaders, Sacco and Vanzetti—framed up for a murder they did not commit.

With serious understanding of its implications we ask this question, on the basis of the facts as we shall set them forth:

Is the Rosenberg case the Dreyfus case of cold-war America? Is it the Sacco-Vanzetti case of this era when the nightmare Truman war program demands the destruction of militant labor opposition? Is it the Reichstag Fire Trial of a time when the voice of protest from the political Left must at all costs be silenced?

HERE is what a famous British lawyer, D. N. Pritt, K.C., wrote about the Reichstag trial:

Far more important for the German government than that the guilty inces-

sary should explain his crime was the securing of a legal pronouncement in favor of the alleged complicity in the fire of their most feared and hated political opponents, the Communist Party of Germany. . . . The terror, the persecution and attempted political and economic annihilation of the Jews, the working-class movement, and the progressive thinkers of Germany, thus received some shadow of apparent legal justification.

The facts we shall present about the Rosenberg case will at least pose the question for most of our readers as to whether their government has not now begun to operate on this shameless Nazi level.

Of these aspects of the political background of the Rosenberg trial there is no doubt:

- "Legal" justification of the thesis that all "Communists" (i.e., in ultimate effect all advocates of socialism and/or peace) are traitors, knowing only loyalty to "the Kremlin," is being sought by the government by every means. This is the contention of the McCarran Act and the basis for its provisions for political repression.

- The possibility of removing all Constitutional checks on the hounding of left-wing Americans depends on the government's ability to convince the public that all such persons are a "real and present danger" to national security.

- Upholding of the conviction of the Rosenbergs would go far toward enabling the government to make any member of any of the 200-odd organizations officially labeled "subversive" subject to arrest as a "spy."

BUT submerged beneath the four-ring circus of the Rosenberg trial, with its sensationalized press treatment of atom-bomb sketches, Jello box-tops and cloak-and-dagger melodrama

(Continued on Page 4)

Rosenbergs

(Continued from Page 1)

drama emanating from the confessed spies Harry Gold and Elizabeth Bentley, were such sober facts as these:

- Not an iota of documentary evidence to support or corroborate the government's charges was produced;

- The only two government exhibits put in evidence, directly linked to the Rosenbergs, were a Spanish Refugee Appeal collection can found in their apartment and a nominating petition for the late Peter Cacchione, New York CP Councilman candidate, signed by Ethel Rosenberg in 1941;

- The witnesses on whom the government's whole case was founded were two confessed spies (one went out free, the other will be eligible for parole on his full term in eight years) and a man who called himself "a liar" on the witness stand and said he had been continuously "scared to death" since falsifying a government loyalty-oath form in 1948.

- The Rosenbergs are outspoken radicals—in striking contrast to all of the confessed conspirators.

No sooner was the Rosenberg trial successfully concluded than these things happened in swift succession:

- The Supreme Court upheld the Smith Act and conviction of the Communist 11;

- New indictments working further and further down the leadership of the Communist Party (still officially "not illegal") were brought in;

- The Civil Rights Congress bail fund was smashed, in pursuance of a new policy in effect denying bail to persons accused of "political crimes."

WHAT do all these things add up to? We leave it to each reader to judge that for himself as the story unfolds in these pages. And to each we leave judgment of what is implied in this case for every American voice hereafter speaking up for American principles.

THE EDITORS

these are the facts

supported by documentary evidence. The testimony brought death sentences to the Rosenbergs but won a suspended sentence for one of their accusers, immunity from prosecution for the other.

The Rosenbergs take issue of frame-up. That the government should have convicted in demanding death sentences for these two particular individuals, while consenting to freedom and clemency for confessed participants in the same alleged plot, leads to the conclusion that there was a special political objective in making a supreme example of the Rosenbergs because of their left-wing politics.

It being possible the "atomic bomb" involved was a "false case" before the Rosenbergs were brought into it. All the accused participants had confessed. The chief one, Dr. Julius Emil Julius Fuchs, British-employed scientist stationed at Los Alamos project during the war, was already serving time in England (and still works for the British Government), a left-motive. Fuchs said was indisposed to furnish one of his four confessed accomplices in America had no political leanings, only a "real motive". The fourth, Harry Gold, was an anti-left wing adventurer. Fuchs' former official accused in the case had returned home before the FBI even got wind of the case, but he later moved to the U.S.A. The government was deprived of a political asset in the case, and the case was on the point of being dropped and unconstitutionally concluded when the Rosenbergs were suddenly produced into it.



THE ROSENBERG CASE

Did the FBI buy political scapegoats

BY WILLIAM F. BRYAN
GOVERNMENT CRITIC

With mercy for a spy?

7-1-51 D-4
10-1-51 A-358

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OCT 3 - 1951	
FBI - NEW YORK	

National Guardian
Aug. 27, 1951

They found themselves under
great pressure, charged with
the task of finding and Julius Rosenberg
were probably very like the third
kind of young New York couple.
The first was a good husband, a product
of New York public school and high
school training, the Depression years.
He managed to get into the College of
the City of New York (CCNY) and to
earn a degree in electrical engineering.
The second was a girl, a product
of the same public school and high school
training, who had studied
in the City of New York and had a job with
the Federal Bureau of Investigation and
the Social Security Administration for a short
time. She had been a job as
under secretary with the U.S. Marshall
Court in New York and had just been
dismissed for not being old enough. That was
the third kind of couple.
The first kind was the one that
lived in the Bronx and the second
kind was the one that lived in the
City of New York. The third kind
was the one that lived in the City of
New York and the fourth kind was the
one that lived in the City of New York.
The first kind was the one that lived
in the Bronx and the second kind was
the one that lived in the City of New
York. The third kind was the one that
lived in the City of New York and the
fourth kind was the one that lived in
the City of New York.

That 12-room apartment originally cost them \$270 a month. But suddenly the Sobells and the Rosenbergs' lives turned so drastically around that they had to give up the apartment. It was on one of the warmest nights in the city that everything went for the baby. But on this day there were other people sitting at the baby's cradle. They were all of the same kind and age and for a brief front-room someone who didn't want it by himself. They were all of the same kind and age and for a brief front-room someone who didn't want it by himself. They were all of the same kind and age and for a brief front-room someone who didn't want it by himself.



DATE _____

CONFIDENTIAL (U) (S) (C) (E) (X) (Z)

[illegible]

The police, if partners in the business in personal relations of David and Judith concerned with the declining fortunes. Jones found fault with David for not devoting more time to it, and Hilda complained that Jones treated her husband worse than a worker than a partner. The speck was that in 1948 David pulled out of a partner and Jones agreed to pay him \$1000 after some other obligations of the firm had been met.

When they got together were scarcely all speaking truth; the \$1000 went unpaid. David and Judith kept trying to call for a set. After three years of fruitless attempts, Jones instructed them never to come back for the money. Once David even aimed a punch at Jones. After this the couples avoided one another except at family gatherings.

In the middle of May 1956, David came to the big machine shop and told Judith he had to talk to him privately. The two men went across the street to Hamilton Park There, in a very quiet and isolated condition, David asked Jones for \$1000. Jones told David he didn't have that kind of money and had no way of getting it. He pointed out further that he owed David only \$100. David then asked Jones to try to get him a certificate for a small box vaccination and to make out the type of injections needed to help Mexico. Jones wondered if David was in some kind of trouble, but David refused to discuss his reasons for needing the money or the certificate.

Late David During the last David had become very agitated and that night Jones told Ethel about the incident. Some of them stated the

[illegible]

THE TWO JULIUSES

In the early 1950s, the world knew that the atomic bomb had been developed by the United States and Great Britain. But the world did not know that the Soviet Union had also developed the atomic bomb.

Ever since then, the world has been in a state of tension. The fear of a nuclear war has become a reality. The world has been divided into two camps: the United States and its allies, and the Soviet Union and its allies.

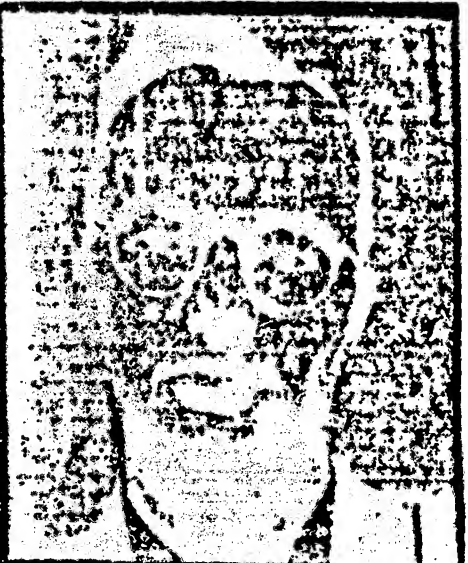
Many of the people who were involved in the development of the atomic bomb were from the United States. Some of them were scientists, and some were engineers. They were all working together to develop the bomb.

One of the most important people in the development of the atomic bomb was Dr. Klaus Emil Julius Fuchs. He was a German physicist who had been working in the United States for many years.

At the time of the trial, the following information was introduced in evidence: In fact, this is the first time it has been brought to light in connection with the Rosenberg case.

The N.Y. Times of May 2, 1950, reported that the Soviet Union had received the atomic bomb. This was the first time that the world had heard of the Soviet Union's atomic bomb.

Dr. Fuchs, who is charged in London with unlawfully disclosing atomic secrets, was known to his friends here as Julius.



DR. KLAUS EMIL JULIUS FUCHS
The real Julius?

by William A. Reuben

—Heraldian special reporter

MAY 22, 1950. Ruth Greenglass left a N. Y. hospital where six days previously she had given birth to her second child. She returned with the baby to her ex-GI husband, David, at their apartment at 266 Stanton Street on the city's lower East Side.

Next morning, May 23, the newspapers headlined a story that brought consternation to the new parents: A Soviet spy courier named Harry Gold had been arrested in Philadelphia by the FBI in connection with the spy ring centering around Dr. Klaus Emil Julius Fuchs, German-born British scientist stationed at Los Alamos during World War II.

AN OLD ACQUAINTANCE: Five years earlier, on a Sunday morning the first week in June, 1945, this same Gold, whose photograph was now on front pages throughout the country, had visited the apartment of 20-year-old Ruth and 23-year-old Sgt. David Greenglass in Albuquerque, N. M. He produced a torn half of a Jello box matching one that they had in their possession. Gold had first visited Dr. Klaus ("Julius") Fuchs at Santa Fe. He introduced himself to the Greenglasses with the passwords: "I come from Julius," and asked for certain written information pertaining to a secret

SAC

ASAC 1

ASAC 2

SEC. 1

SEC. 2

SEC. 3

SEC. 4

SEC. 5

SEC. 6

SEC. 7

SEC. 8

SEC. 9

SEC. 10

SEC. 12

NIGHT SUPERVISOR

PROPERTY CLERK

TRAINING UNIT

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National
Heraldian
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lens mold used in manufacture of the atom bomb. David Greenglass, an Army machinist at Los Alamos, produced the requested material, handed it over to the Soviet spy courier, received \$500.

In February, 1950—four months before the papers announced Gold's arrest, and a few days after Fuchs' arrest in London—FBI agents had come to the Greenglass apartment in New York to question David about his duties and activities at Los Alamos. Ruth was present. The FBI made no move to arrest Greenglass at that time.

DAVID VISITS JULIUS: On the day Gold's arrest was made public—with the intimation that other arrests would follow—David Greenglass hurried to the place of business of his brother-in-law and former business partner, Julius Rosenberg.

As reported in this series last week, the two men were on unfriendly terms dating back to the period when Greenglass had been a partner in the business, a machine shop. Greenglass asked Rosenberg to take a walk with him. During the walk he asked his brother-in-law to raise \$2,000 for him, and asked also for information on inoculations and certificates necessary to leave the country.

Rosenberg owed Greenglass \$1,000 from the business. He explained that he could not raise this sum, much less

(Continued on Page 3)

Did the FBI lie to trap an innocent victim? The facts challenge the Greenglass confession

(Continued from Page 1)

an additional \$1,000, but agreed to try to get the information requested.

"GREENGLASS HAS CONFESSED": A week later Greenglass again called Rosenberg. This time he was more desperate. He said he had to have \$2,000, and asked Rosenberg to borrow it for him, either from relatives or from the business. When Rosenberg again said he could not raise it, Greenglass became livid and, nearly hysterical, warned:

"Well, Julie, I've just got to have that money and if you don't get me that money you are going to be sorry."

Within two weeks the FBI called on Julius Rosenberg. They asked him to accompany them to FBI headquarters. Ethel urged him to go. "Davey's in trouble," she said, "maybe you can help him." After questioning him at headquarters three hours they told him that Greenglass had been arrested as an atom spy, had confessed and had implicated Julius Rosenberg.

Had Greenglass really confessed at that point? Had he in fact implicated Rosenberg? These questions are vitally important. In any event, here is what took place on the night of Greenglass' arrest, according to Greenglass' own testimony at the Rosenbergs' trial.

Brother-in-law's college notes

Greenglass was in the apartment preparing formula for their new child. Their three-year-old child was there, too. Ruth Greenglass had badly burned herself a few days earlier and was in a hospital for treatment. There was a knock on the door. The young father answered it. Four FBI agents walked in. They told him he was under arrest on charges of committing espionage during the war for the Soviets.

The FBI agents stayed in Greenglass' apartment for 5½ hours, until 7:30 that night. They questioned him and made a thorough search of the apartment. In going through a trunk of old letters and papers, one of the agents picked out a sheaf of mathematical notes, brought them over to Greenglass and said:

"What's this, some of your atom bomb secrets?"

"No," Greenglass replied. "That's just some of my brother-in-law's math notes from college."

This—according to the government testimony at the trial—is how Julius Rosenberg's name came into the case.

THE HIDDEN \$4,000: David Greenglass was taken to FBI headquarters and questioned until the early hours of the next morning. Finally he was allowed to telephone another brother-in-law, Louis Abel, to whom he had previously given \$4,000 to secrete for him. Greenglass asked Abel to retain O. John Rogge, one-time Asst. U.S. Attorney General under Tom Clark.

Later that morning, Abel went to the Rogge law firm and turned over the \$4,000. Rogge appeared at the ar-



IRVING SAYPOL
He won't free to say

"We are victims"

Ethel Rosenberg made this statement when she was placed in the Sing Sing death house:

"Our claim that we have been made victims by the machinations of my sister-in-law Ruth Greenglass has been confirmed by Mr. Saypol at David's (Greenglass) sentencing that it was her idea and influence that induced my brother to confess to save his own miserable neck. In fact she is free and this exposes the whole deal that was made by the government with the Greenglasses to implicate my husband and myself.

"David found himself crushed in spying activities and had to find a scapegoat to mitigate his punishment. My husband and I were picked as the scapegoats because of our radical ideas, and because my husband was removed from government service years ago because of alleged membership in the Communist Party.

"We said and we say again that we are victims of the grossest type of political frame-up ever known in America. In our own way we will try to establish our innocence. But we ask the people of America to realize the political significance of our case and come to our aid. . . . My husband and I are only two people, but this case has significance which far transcends our personal lives. The entire population of America will be adversely affected by our persecution."

raignment that afternoon, protested his client's innocence and asked for lowered bail. In opposing Rozge's demands, U.S. Attorney Irving Saypol was not reported in the press to have made any mention of the alleged "confession" of the night before. Instead, Saypol demanded that Greenglass be held in \$100,000 bail and had him placed in solitary confinement.

That same day the FBI paid its first visit to Julius Rosenberg, whose college notes of 12 years earlier had been found in the Greenglass apartment. When told after three hours of questioning that his brother-in-law had implicated him, Rosenberg asked to be allowed to confront Greenglass to hear these "foolish accusations" from his own lips. The FBI agents ignored his request. Rosenberg then demanded and got permission to consult a lawyer. He telephoned his union's law firm. They asked whether he was under arrest. When Rosenberg said no, they told him to "put on your hat and ~~come out~~, which he did.

"SOMEBODY MORE IMPORTANT":

The same day, other FBI agents went to the hospital to question Ruth Greenglass. No testimony on this interview was ever introduced. (The government put no FBI agents on the witness stand—an indication that they might have proven extremely vulnerable to defense questions dealing with the interrogations and "confessions" made by certain key witnesses.) But when Ruth Greenglass left the hospital two days later she had an immediate consultation in her home with attorney Rogge. She admitted that her husband had given Gold atomic information, that it was she who had deposited the \$500, and that she had been present the previous February throughout an FBI interview with her husband. She said:

"I thought the FBI was leading to somebody other than my husband, that they wanted somebody much more important than he."

Rogge then "outlined the different courses that could be taken."

David Greenglass indicted

On July 6 in New Mexico, a federal grand jury handed down a four-count

indictment against David Greenglass. The charges against him, based on sworn information given to the grand jury by nine persons, including four FBI agents, were that "on or about June 3, 1945, in Albuquerque" David Greenglass had:

- (1) Met and conferred with Harry Gold;
- (2) Received \$500 from Gold; (3) Prepared a sketch of a "high explosive lens mold";
- (4) Prepared a statement concerning the Los Alamos project.

The grand jury charged that Greenglass had delivered these atomic secrets to Gold and to Anatoli Yakovlev "for transmission to the U.S.S.R." For conviction on any one of these overt acts—to which nine persons had testified to the grand jury—David Greenglass faced the death penalty.

"THE GENERAL SITUATION": The day following the indictment the federal commissioner in New York ordered Greenglass' immediate removal to New Mexico; but Rogge asked for a week's delay. A week later, on July 13, Rogge secured another postponement. U.S. Attorney Saypol approved the delay. He explained:

"I do not feel it appropriate to state publicly the substance of discussions which have been going on, but I acquiesce in this application for adjournment."



O. JOHN ROGGE
There were long talks

In its account of these proceedings, the N.Y. Daily Mirror reported:

The court appearance followed the latest of a series of conferences between Rogge and Saypol. Rogge said he has been talking with both his client and Saypol and would like to have "several more talks with my client here before criminal proceedings are held." His talks with the accused spy, he said, have been about "the general situation."

SAYPOL CONFERS: In mid-July, Ruth Greenglass, after her first interrogation by the FBI on June 16 and her initial consultation with Rogge, met with Saypol, members of his staff, FBI agents and her husband for three days in Albuquerque. The conference had been ar-



HARRY GOLD

He came from which "Julius"?

ranged by Rogge, who had previously been engaged in "a series of conferences" with U.S. Attorney Saypol. These conferences with Ruth Greenglass culminated with her signing a statement in which she implicated the Rosenbergs.

On July 17 the FBI placed Julius Rosenberg under arrest, with an announcement, issued jointly from Washington by J. Edgar Hoover and J. Howard McGrath, charging him with having recruited his brother-in-law, David Greenglass, into a Russian spy ring "early in 1945."

FREE ON A "HUNCH": Thus, in one month, what started with an FBI agent's chance question about Julius Rosenberg's college math notes had been shaped up to provide the kind of political sensation lacking in the apprehension of the four admitted spies, Dr. Klaus Fuchs, Harry Gold, Alfred Dean Slack and David Greenglass. For, in arresting Rosenberg, the gov-

Not only does Society commit more frightful crimes than any individual, king or commander: it legalizes its crimes and forges certificates of righteousness for them, besides torturing anyone who dares expose their true character.

George Bernard Shaw

ernment was able to stress the fact that in 1945 he was discharged from government employ on charges that he was a member of the Communist Party.

Ruth Greenglass' hunch—that the government was seeking "somebody much more important" than the Greenglasses—proved right.

Today, as the Rosenbergs sit in the Death House at Sing Sing prison, parted from their two children, their accuser, Ruth Greenglass, a confessed spy, is free with her two children. Her spy husband, David, saved from trial or his life in New Mexico, will be free in eight years, with good behavior.

WHY?

IF David Greenglass confessed to the FBI in the early morning of June 16, implicating Julius Rosenberg,

- WHY did the FBI wait more than a month before arresting Rosenberg, and still another month before arresting his wife?

- WHY was the supposed confession not reported at Greenglass' arraignment that same afternoon?

- WHY did he spend \$4,000 for a lawyer to protest his innocence at the arraignment?

- WHY did Prosecutor Saypol, explaining later why Ruth Greenglass was not being prosecuted, although the Rosenbergs were being sentenced to death, state:

"I well remember how at his [Greenglass'] arraignment . . . Mr. Rogge protested his innocence. Through Ruth Greenglass, his wife, came the subsequent recantation of those protestations, their cooperation and the disclosure of the facts by both of them."

Next week: The Prosecution procures a new witness—and an additional recantation.

ROSENBERG CASE

How the FBI got a witness and a new scapegoat too

By William A. Reuben

GUARDIAN special reporter

JOHN BURGOYNE: The sooner he hanged, the better. **ALICE:** We had arranged it for 12 o'clock. Nothing remains to be done except to try him.

—Shaw's "Devil's Disciple"

IN spite of the red-scare headlines resulting from the announcement of the Rosenberg arrest, the government still had to make a case against the Rosenbergs.

The FBI was busily checking on the friends, neighbors, business associates etc. of the young progressive couple. Not unlike college mates at CONY there was a special going over.

Among these were found two who were made to incriminate for FBI purposes. One, an electrical engineer named Max Elitcher, had failed to report Communist Party membership in applying for a government job. Had eventually quit the job for fear this would be disclosed, and could still be prosecuted for perjury—meaning a possible five-year sentence and ruin. The other, who lived back-to-back with Elitcher in Queens, N.Y., had recently (June 21, 1950) taken his family to Mexico for the summer. His name was Morton Sobell, and he was reputed to have once been a member of the Young Communist League.

ELITCHER "CO-OPERATES": While getting a line on Sobell, the FBI took Elitcher to their headquarters on July 20, three days after Julius Rosenberg's arrest. He was told they had information he was involved in espionage. After several hours' questioning he asked to go home and consult his wife. The FBI went with him. Mrs. Elitcher was at home with her two children, a four-year-old and a new baby.

He went with the FBI brand of show-how (get their obtaining of testimony). Against Harry Bridges, too, was an act-up. Within 12 hours Elitcher had signed a statement implicating Julius Rosenberg. He then made a call for the law office of O. John Rogge, who was already reputedly the Green Glazes in the same case.

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Ellitcher's statement said that on two visits to his home in Washington during the war (see GUARDIAN story, Aug. 22) Rosenberg had asked him to spy for the U.S.S.R. but that he had never done so.

KIDNAPING PARTY—On Aug. 3, prosecutor Irving Saypol got a sealed warrant for the arrest of Sobell. On Aug. 16 ten armed men broke into the Sobell apartment in Mexico City, black-jacked him, dumped him into one car of a five-car caravan and drove three days and nights until they reached the U.S. border. There, FBI agents arrested Sobell and took him to New York where he was arraigned Aug. 25 and held in \$100,000 bail.

There was still no case against Sobell except that the Sobells and the Rosenbergs had visited each other from time to time and Sobell had "fled to Mexico." (There is still no evidence that he was up to anything more sinister than a vacation. The known facts, his home in Queens was not even subject, he and his family had booked all passage, rented their Mexico City apartment in their own names in an apparently normal way.)

FUEL FOR THE BONFIRE—But there, too, Sobell's classmates and neighbor Ellitcher came in handy for the FBI. Although in his first two statements (July 20 and 25) Ellitcher did not mention Sobell, he finally signed a third statement—months later, according to his own testimony—which quoted Rosenberg as saying: "Sobell is also in this."

(Sobell was indicted on Oct. 10, stood trial with the Rosenbergs, was found guilty and sentenced to 30 years in prison. No overt acts were charged against him; his conviction depended solely on Ellitcher's testimony. Sobell's attorneys called no witnesses. Nor did Sobell testify in his own defense. In the belief that the jury would reject the unsupported testimony of Ellitcher in the face of no government allegations of overt acts, his case, like those of the Rosenbergs, is awaiting appeal.)

Whether or not the government, in kidnaping and arresting Sobell, had any genuine expectation of convicting him, branding him in helped add fuel



MORTON SOBELL and U.S. MARSHALL
Indicted on the basis of one question

to the red spy bonfire being built up around the Rosenbergs.

MRS. ROSENBERG ARRESTED—Prior to Sobell's kidnaping and arrest, Ethel Rosenberg had been twice called before the federal grand jury. Questioned mainly about her and her husband's political beliefs, she refused answers on constitutional grounds and on Aug. 11, as she left the grand jury room she too was placed under arrest. Their boys, four and eight, were placed in a public shelter.

On Aug. 17, the day before Sobell's arrest on the Mexican border, the first indictment in the case was handed down. It charged Ethel and Julius Rosenberg with having conspired to transmit atomic secrets to the Soviet Union. Indicted with them was Anatoli Yakovlev, departed Soviet consular official accused as recipient of the secrets. Named as co-conspirators but not as defendants were Harry Gold and David and Ruth Greenglass. Sobell was not mentioned.

The N.Y. Times noted: "This was the first time that the Government had brought Mrs. Greenglass into the case." U.S. Attorney Irving Saypol said the grand jury had directed that she not be prosecuted. Thus it was indicated that she was cooperating in the investigation and might turn Government witness.

KNOW-HOW AT WORK—The Times noted that the indictment listed eleven overt acts, among them charges that on Nov. 15, 1944, the Rosenbergs conferred with Ruth Greenglass and five days later gave her \$500 to go to New Mexico to visit her husband. Another charged Rosenberg with visiting Mrs. Greenglass in N.Y. on Dec. 10, 1944, and receiving information from her.

These notations in the Times story of the first indictment indicate how the government's case began to shape up

through FBI know-how.

As a first example, the charge against Rosenberg on July 17 when he was arrested dated his alleged activities from "early in 1945." The Aug. 17 indictment charged "overt acts" dating back to Nov. 15, 1944, to cover new allegations by Ruth Greenglass.

A NEW OVERT ACT—On Oct. 10, a new indictment was returned, naming David Greenglass as a defendant in N.Y. (he had already been indicted in New Mexico back in July) and also Sobell in addition to the Rosenbergs and Yakovlev.

On Oct. 15 Greenglass pleaded guilty to the N.Y. indictment and his attorney, O. John Rogge, volunteered the following for him:

"My client is not absolutely precise about every date mentioned in the indictment, but he is ready to give his statement of what transpired, as he recalls the events."

The third and final indictment was returned on Jan. 31, 1951, a few days before the trial was scheduled to get under way. This indictment (as noted again in the Times)

... extends the conspiracy to June 6, 1944. ... One overt act has been added. ... It charges Rosenberg with visiting 247 Delaware Av., Washington (Ellitcher's apartment), on June 4, 1944.

HOW IT GREW—This chronology, when co-related with U.S. Atty. Saypol's statements and with the testimony given in the courtroom (see next week's GUARDIAN), makes it apparent that:

• On July 17, Julius Rosenberg's arrest was warranted on no other basis than oral allegations about him made to the federal authorities by his in-laws, Ruth and David Greenglass.

• The arrest of Ethel Rosenberg on Aug. 11 and the indictment of Ethel and Julius on Aug. 17, were based on

(Continued on Page 6)



MARK BIRCHLEY
The man who was charged with the murder of a woman.

statements. All three admitted during the trial were incorporated in their testimony in the courtroom. Next week: The trial begins.

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NEW YORK, N. Y., AUGUST 27, 1951

THE ROSENBERG CASE

**Did the FBI lie
to launch a frameup?**

In obtaining death sentences for Ethel and Julius Rosenberg for alleged complicity in an atomic spy conspiracy, the government clinched its case with the jury by introducing two confessed spies (Harry Gold and Elizabeth Bentley) who testified that the name "Julius" occurred in the conspiracy both in telephone identifications and as a password.

Last week, in the first article of this series on the Rosenberg Case, the **GUARDIAN** brought to light for the first time in connection with the case that its arch-conspirator, Dr. Klaus Fuchs, was known to his intimates in the U.S. as "Julius." This evidence was not introduced at the trial of the Rosenbergs. We believe that it would have been grounds for reasonable doubt sufficient to warrant acquittal.

This week we call attention to the facts concerning the "confessions" of David Greenglass, brother-in-law of Julius Rosenberg, whose testimony along with that of his wife, Ruth Greenglass, was used as the basis for the charges against the Rosenbergs.

These facts challenge the validity of the Greenglass "confessions" and accusations with respect to the Rosenbergs, strengthening our repeated contention that they should be freed for reasons of reasonable doubt if not because of an out-and-out political frame-up against them.

THE ROSENBERG CASE: HOW THE FBI GETS ITS WITNESSES — 5

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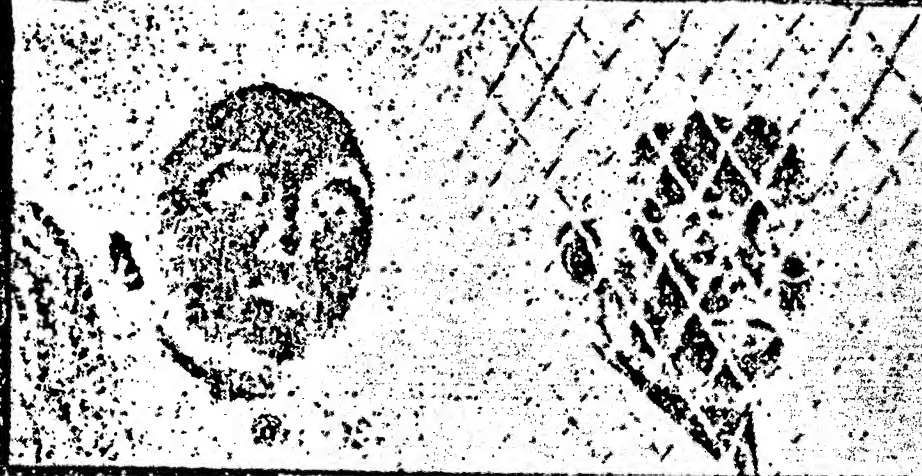
THE STORY SO FAR

ETHEL AND JULIUS ROSENBERG, young New York parents, are in Sing Sing awaiting appeal of death sentences imposed for "atomic spying." On Aug. 13 the GUARDIAN asked: "Is this the Dreyfus Case of cold-war America?" In a series of articles (of which this is the third) we set out to show that at the least there is such reasonable doubt of their guilt as to make acquittal mandatory under all U. S. legal precedents; and that there are strong grounds for suspecting a political frame-up to inject "communist" motivations into the alleged spy plot.

The first in question first came to light about almost five years after World War II. German-born scientist DR. ALAN, EMIL JULIUS FUCHS, confessed in England to transmitting atomic data to the U. S. A. while he was stationed at Los Alamos, N. M., in 1944-5. He implicated Philadelphia chemist HARRY GOLD. This was apparently the first inkling the FBI had that the most highly prized secret ever entrusted to their care had got away.

Among wartime Los Alamos personnel questioned by the FBI after Fuchs' confession in 1950 was DAVID GREENGLASS, former sergeant and machinist there, in the presence of his wife, EUTH. No move was made to arrest either at the time.

On May 22, 1950, the FBI caught up with Gold, who confessed and indicated he would name others. On June 14, 1950, the FBI arrested David Greenglass. Next day they charged the Rosenbergs, whose relations with Dr. Greenglass (David is Ethel's brother)



ETHEL and JULIUS ROSENBERG

Entered the former island of college days

her brother) and became increasingly strained as a result of business conflicts culminating in veiled threats by David to Julius after Gold's arrest as to what would happen if Julius did not give him \$5,000. Julius accompanied the FBI agents to their headquarters in response to Ethel's urging that "Davey is in trouble—we must help him." At headquarters Julius was told that David had confessed to atom spying and implicated Julius. Yet Julius walked out after three hours' questioning; he was not arrested until a month later—Ethel not until a month after that.

One last article described the happy family life and values and political activities typical of the thousands of New York progressives of the Rosenberg family. Their

own also told of Julius Rosenberg's work with his wife for the Bureau of Standards and Signal Corps, and of the contacts which remained there between Rosenberg and his former city college of New York friends MORTON ROSELL and MAX ELITCHBERG. Rothenberg offers fresh evidence indicating that the Julius whose name figured in government testimony at the trial was not Rosenberg but Dr. Robert Serber, who was known by that name to intimates in the U.S. last week Rothenberg told how the Rosenbergs first came to the FBI's attention, according to government testimony, through the activity of some 50 papers in a trunk at Greenglass' apartment, which Greenglass identified after the agents asked if they were some of his atom bomb secrets.

as some of Julius Rosenberg's. In college math notes. Quickly and calmly that Rosenberg had been fired from his U.S. Signal Corps job on charges of "communist affiliations" (which Rosenberg vainly denied), the FBI visited and questioned Rosenberg the following day, but did not arrest him even though they told him Greenglass had implicated him.

That same day Greenglass was arraigned, but his supposed confession was not introduced, nor was there any mention of the Rosenbergs. Instead, Greenglass protested his innocence through his attorney, O. JOHN ROGGE, retained with \$5,000 that Greenglass had cashed with a relative. He was held in \$100,000 bail and placed in solitary confinement.

When Rosenberg was finally arrested a month later, the government's satisfaction in getting in its argument an outspoken progressive (none of those who confessed were) was obvious. The FBI's J. Edgar Hoover, arming the press with a dossier on Rosenberg's dismissal from the Signal Corps on charges of Communism, told Rosenberg had made himself available to Soviet espionage agents. "He could do the work he was fitted for," he might do something to help Russia.

But on the basis of facts mustered in two last week's article the GUARDIAN asked: Did the FBI lie in telling Rosenberg that Greenglass had confessed, implicating him? Why and how did the alleged details of complicity by the Rosenbergs begin to take shape in the weeks following the FBI's first questioning of Julius Rosenberg—after David and Kath Greenglass had conferred many times with U.S. prosecutor Saypol, the FBI, defense attorney Rogge and others?

THE ROSENBERG CASE—IV

The trial: The question seemed not to be guilt or innocence, but whether they'd die

By William A. Reuben



FBI CHIEF HOOVER and ATTORNEY GENERAL McGRATH
They laid down the conditioning barrage

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THE STORY SO FAR

ETHEL AND JULIUS ROSENBERG, young New York parents, are in Sing Sing awaiting appeal of death sentences imposed for "atomic spying." On Aug. 15 the **GUARDIAN** asked: "Is this the Dreyfus Case of cold-war America?" In a series of articles (of which this is the fourth) we set out to show that at the least there is such reasonable doubt of their guilt as to make acquittal mandatory under all U.S. legal precedents; and that there are strong grounds for suspecting a political frame-up to inject "communist" motivations into the alleged spy plot.

The plot in question first came to light when, almost five years after World War II, German-born scientist **DR. KLAUS FUCHS**, **JULIUS FUCHS** confessed in England to transmitting atomic data to the U.S.S.R. while he was stationed at Los Alamos, N. M.

In 1941-3, he implicated Philadelphia biochemist **HARRY GOLD**.

Among wartime Los Alamos personnel questioned by the FBI after Fuchs' confession in Feb., 1950, was **DAVID GREENGLASS**, 44, 154, former sergeant and machinist there, in the presence of his wife, **ETHEL**.

On May 24, 1950, the FBI caught up with Gold, who confessed and indicated he would name others. On June 15, 1950, the FBI arrested David Greenglass. Next day they visited the Rosenbergs, whose relations with the Greenglasses (David is Ethel Rosenberg's brother) had become increasingly strained as a result of business conflicts culminating in veiled threats by David to Julius after Gold's arrest as to what would happen if Julius did not give him \$2,000. At FBI headquarters Julius was told that David had confessed to atom spying and implicated Julius. Yet Julius walked out after three hours' questioning; he was not arrested until a month later—Ethel not until a month after that.

That same day Greenglass was arraigned, but his supposed confession was not introduced, nor was there any mention of the

Rosenbergs. Instead, Greenglass protested his innocence through his attorney, G. JOHN ROGUE, retained with \$1,000 that Greenglass had reached with a relative. He was held in \$100,000 bail and placed in solitary confinement.

When Rosenberg was finally arrested a month later, the government's satisfaction in getting in its dragnet an outspoken progressive (none of those who confessed were) was obvious. The FBI's J. Edgar Hoover, arming the press with a dossier on Rosenberg's dismissal from the Signal Corps on charges of Communism, said Rosenberg had made himself available to Soviet espionage agents "so he could do the work he was fated for . . . so he might do something to help Russia."

Our first article described the happy family life and union and political activities—typical of thousands of New York progressives—of the Rosenbergs since their marriage in 1939. Reporter William A. Reuben also told of Julius Rosenberg's wartime visits to Washington in connection with his work for the Bureau of Standards and Signal Corps, and of the contacts briefly re-made there between Rosenberg and his

former City College of New York friends, MORTON SOBELL and MAX ELITCHER.

Reuben offered fresh evidence indicating that the "Julius" whose name occurred in government testimony at the trial was not Rosenberg but Dr. Fuchs, who was known by that name to intimates in the U.S. Our next article told how the Rosenbergs first came to the FBI's attention, according to government testimony: through discovery by FBI agents of some old papers in a trunk at Greenglass' apartment, which Greenglass identified as some of Julius Rosenberg's 12-year-old college math notes.

Last week's article showed how the FBI then began to weave a net around the Rosenbergs with "evidence" produced in consultation with the Greenglasses and Max Elitcher, whose "cooperation" won leniency for Greenglass and freedom for his wife and Elitcher, despite various admissions of guilt. The last article described how successive indictments of the Rosenbergs were embellished periodically during the 7-8 months intervening between their arrests and the trial.

In the same federal courtroom at Foley Square in New York City where 11 leaders of the U.S. Communist Party were convicted in 1949, this nation's first atom-bomb spy trial began, on March 6, 1951. Promptly at 10:30 a.m. a clerk-of-court solemnly intoned:

"The United States of America versus Julius Rosenberg, Ethel Rosenberg and Morton Sobell."

U.S. Atty. Irving Saypol announced that the government was ready.

Attorneys for the defendants (Emanuel H. Bloch and his father, Alexander Bloch, represented the Rosenbergs; Sobell was represented by Edward M. Kuntz and Harold M. Phillips) made several motions to dismiss the charges. These were brushed aside by Judge Irving Kaufman.

LUCE vs. LUCID: Judge Kaufman denied a defense challenge of a talesman who worked for Time-Life and shared Henry Luce's views on international affairs; but sustained a government challenge of a prospective juror who read NATIONAL GUARDIAN.

Nearly 300 talesmen were questioned before a jury of 12 plus four alternates could be seated. Considering the ceaseless barrage of press and radio statements by the prosecutor, FBI's J. Edgar Hoover and Atty. Gen. J. Howard McGrath for eight months prior to the trial, hammering into the minds of the public the certainty that the Rosenbergs were guilty and that mountains of evidence existed to prove this, it is surprising that 16 citizens could be found who could swear under oath they had formed no opinions as to the guilt of the accused. It is singular also that in a city more than 30% Jewish in population, not a single talesman of Jewish extraction survived the day and a half of questioning before a jury was seated.

CHAIR-HUNGRY PRESS: The government announced it would call 118 witnesses. Among them were to be top nuclear physicists Dr. J. Robert Oppenheimer and Dr. Harold C. Urey and Lieut. Gen. Leslie Groves, head of the wartime atomic bomb project.

"Undefinable tenseness pervaded the courtroom," wrote Meyer Berger in the N.Y. Times. "The silence was extraordinary" as the trial got under way. To press and public, the question seemed to be not the guilt or innocence of the defendants; but whether or not they would be given the death penalty.

(Judge Kaufman himself, during questioning of one talesman, said it was for him alone to decide whether to impose death or a lesser penalty. The judge caught himself only after attorney Emanuel Bloch pointed out the jury's verdict might be for acquittal, making it unnecessary for the judge to impose any sentence at all.)

Press speculation after the opening

day's proceedings ran very much like this one in the N.Y. Times:

If death sentences should result they would be executed in Sing Sing Prison.

LOVE AND THE BOMB: When the jury had been seated, U.S. Atty. Saypol opened in hushed tones with a prepared statement. He described the defendants as "traitorous Americans" whose "love of communism and the Soviet Union" led them to deliver to the Russians

"... the one weapon that might well hold the key to the survival of this nation and the peace of the world—the atom bomb."

Saypol promised to show that the loyalty and allegiance of the Rosenbergs and their co-defendant Morton Sobell was not to America but to

"... communism in this country and communism throughout the world, under the dictatorship of the Soviet Union. ... I do not consider it necessary in this opening statement to deal extensively on the plot that will be unfolded before you. ... The testimony will come from witnesses who were there, who saw and heard what these defendants said and did over a period of years to commit this crime."

"The evidence will come from some witnesses who themselves participated with these defendants in this conspiracy to commit espionage in behalf of Soviet Russia. It will come from witnesses whom these defendants picked as their colleagues and associates and partners in crime. ..."

118 FORECAST, 20 SHOW: Eight and a half court days later, the government rested its case (which it had announced beforehand would take three months to present). Of the 118 government witnesses originally announced, only 20 were produced. Oppenheimer, Urey and Groves were never called. Of the 20:

• Eight (including six imported from Mexico) testified as to details of the Sobell family's trip to Mexico.

• Two army colonels testified to

Harry Gold. Neither had ever known of being involved in any way with any of the defendants.

Gold, sentenced to 30 years for his self-confessed participation in the Fuchs espionage plot, gave lurid and surefire headline-creating testimony about how the spy ring operated. Miss Bentley, who now earns her livelihood as a paid government witness, said that membership in the Communist Party made it "implicit" to carry out orders from Moscow and that the U. S. CP

"... only served the interests of Moscow, whether it be propaganda, or espionage or sabotage."

These two introduced a mysterious "Julius," unknown to either of them, whose name recurred in telephone conversations and in a password used in the spy plot. (GUARDIAN, Aug. 15, brought to light the hitherto unused fact that Dr. Fuchs, the central figure of the plot, was known to his intimates in the U. S. as Julius.)

NECK-SAVERS FILL THE BILL: The remaining three witnesses were Max Elitcher and the Greenglasses. Despite the prosecution's promises of 118 witnesses and overwhelming evidence to corroborate the case against the Rosenbergs, only these three offered any testimony purporting to incriminate them. The Greenglass' charges against Julius and Ethel Rosenberg, in-laws with whom they were on the outs, won David Greenglass a merciful 15-year sentence (eight years with good behavior) instead of a possible death sentence in New Mexico; and won Ruth Greenglass complete freedom. Max Elitcher's "cooperation" with the FBI provided the government's entire case against Morton Sobell as well as "corroborating evidence" against Julius Rosenberg; and allowed Elitcher to beat the rap on a perjury charge hanging over his head for five years.

To backstop the self-saving testimony of these three, the government produced two exhibits purporting to incriminate the Rosenbergs: (1) a Spanish Refugee Appeal collection can found in the Rosenberg apartment; and (2) a nominating petition signed in 1941 by Ethel Rosenberg for Peter Cacchione, successful Communist candidate for New York City Council (50,000 New Yorkers signed this petition). This is the "evidence" which U. S. Attorney Saypol had assured the jury

"... will prove to you, not only beyond a reasonable doubt, but beyond any doubt that ... these defendants have committed the most serious crime which can be committed against the people of this country."

security measures at the Los Alamos project during the war.

- A nuclear physicist explained a sketch Greenglass drew in court concerning some of the components of the atom bomb.

- Rosenberg's family doctor testified that Rosenberg had asked in behalf of a friend about inoculations necessary to enter Mexico (GUARDIAN, Aug. 22);

- Ruth Greenglass' brother-in-law, Louis Abel, testified to hiding \$1,000 for David Greenglass and turning it over to attorney Rogge after Greenglass' arrest;

- Ruth's sister (Mrs. Abel) testified that Julius Rosenberg had once asked her to leave the room during a visit to her sister. (GUARDIAN, Aug. 22)

- One witness identified a photograph of Soviet consular aide Anatoli Yakovlev, named in the indictment as a defendant four years after he returned to the U. S. S. R. in Dec., 1946.

ENTER MISS BENTLEY: Of the remaining five witnesses, two were former spy couriers—Elizabeth Bentley and

WHY?

If the government had an open-and-shut case against the Rosenbergs, warranting the unprecedented penalty of death, why did the Administration rely solely on phony pre-trial press-agentry and impeachable witnesses to win a verdict?

Did the government demand the lives of these two citizens because it believed them guilty of espionage; or because they were the only individuals even remotely connected with any of the principals in the alleged spy plot who could be crucified as "Communists"?

NEXT WEEK: The Rosenbergs take the stand.

ROSENBERG CASE---V

Not one shred of evidence presented by U.S. to back up its charges

By William A. Reuben
GUARDIAN special reporter

ON Mar. 21, 1951, eight months after he was arrested on charges of spying for the U.S.S.R., Julius Rosenberg took the witness stand in this country's first atom-bomb spy trial. During the eight months the American public had been bombarded with a ceaseless propaganda barrage designed to convince them of the certain guilt of the 33-year old Rosenberg and his 35-year-old wife, Ethel.

His wife's brother and sister-in-law, David and Ruth Greenglass, had portrayed Julius as a master spy—a man of intrigue, mystery, cunning and ubiquitous wisdom such as moves in the pages of E. Phillips Oppenheim. According to them, Rosenberg was the central figure in a spy ring which began during World War II and continued throughout the cold war, dedicated to obtaining A-bomb and other secret information for transmission to Moscow.

The Greenglasses' portrayal had him being furnished by the Russians with unlimited financial resources to recruit other spies; to establish contacts with scientists in government agencies and key defense plants; to spend \$50-75 every night for entertaining; to subsidize the college education of likely espionage prospects; and to furnish his confederates with large sums of money to flee this country and find eventual haven "behind the Iron Curtain."

WHAT! NO PUMPKIN? As a token of their appreciation for his service, "the Russians," according to the Greenglasses, had given Rosenberg a citation which entitled him to special privileges; patches for himself and his wife, and a console table containing a hidden compartment for microfilming secret documents.

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Another facet of his personality, if one believes the testimony offered, was his boldness about the use of his name. All the key figures in the spy ring used pseudonyms in their espionage activities. (Gold said he was known as "Dave from Pittsburgh"; Bentley testified that her confederates knew her either as "Mary" or "Helen"; and Anatoli Yakovlev, Soviet consular official who returned home from the U.S. four years before he was indicted and named as a defendant in the case, was described as having been known to his underlings only as "John".) But if the mysterious "Julius" mentioned in testimony of Bentley and Gold (GUARDIAN, Aug. 22) was indeed Julius Rosenberg, then he apparently was the only person in the ring whose identity was not masked by a false name. Neither Gold nor Bentley could testify to knowing Rosenberg, but both testified that "Julius" was a key word in the conspiracy, being used to identify the master-spy in telephone conversations and in a password. (The GUARDIAN has shown that if this name did recur in the plot, it probably served to identify Dr. Klaus Fuchs, confessed arch-conspirator who was known to intimates here as Julius.)

EVERYTHING BUT EVIDENCE: Notwithstanding the intrigue, mystery, excitement, drama and real-life whodunit qualities of the government's portrayal of Rosenberg, there was just one factor missing: not a shred of it could be supported by even a scintilla of evidence. Nor was any evidence offered even to try to support it.

If these headline-seeking allegations about Julius Rosenberg were indeed factual, it would seem that the government surely could have produced some evidence or testimony that:

- He was known to other members of the A-bomb spy ring. (Neither depositions nor testimony were produced from Dr. Fuchs, Alfred Dean Slack or Harry Gold, to show that any of them

was ever known or been involved with Rosenberg.)

- He was a big spender in night clubs and restaurants. (No Sherman Billingsleys of any degree were produced to back up the Greenglasses' assertions—not even a waiter captain. Rosenberg himself testified that he was in a night club once in his life, when his union held a party at Cafe Society Downtown. No witnesses were called who had ever seen him in a night club or eating place of any description. Nor were bank accounts or any other evidence produced to prove the Rosenbergs anything other than a typical, hard-pressed middle-income N.Y. family.)

- He had "important contacts" in defense plants and government agencies. (None was ever produced or testified to; nor was he shown to have made visits to any city other than Washington, and these only in connection with his government job.)

- He consorted with Russian nationalists. (Not even Bentley could testify to

this, nor could any other witness.)

• He had subsidized students' college education. (No such students, no college records, no witnesses were ever produced to establish this.)

THE "RUSSIAN" TABLE: The government's avoidance of any attempt to prove its headline allegations was almost too crude. The console table, which ostensibly contained a secret compartment, was not even produced in court (although an apparently normal table was impounded by the government when the Rosenbergs were arrested); instead, a photograph of a table was introduced in evidence that was "like" the one allegedly supplied by the Russians. (The Rosenbergs said they bought theirs at a Macy's sale for \$21.)

Significantly, none of these headline allegations was included in the indictment on which the Rosenbergs were brought to trial.

In contrast to the lurid—though undocumented and unproven—portrayal of a "master spy," the 12 "overt acts" listed in the indictment against the Rosenbergs seem humdrum.

12 CHARGES & HOW THEY GREW: The 12 "overt acts" charged in the final indictment (see **GUARDIAN**, Sept. 5, for an account of how successive indictments of the Rosenbergs were embellished periodically during the months between their arrests and the trial) charge that, as part of a conspiracy to transmit A-bomb and other secret information to the U.S.S.R.,

(1) In June, 1944, Julius visited the home of a classmate, Max Elitcher, in Washington, D.C.

(2) In Nov. 15, 1944, Julius and Ethel "conferred with" Ruth Greenglass;

(3) On Nov. 20, 1944, Julius gave Ruth Greenglass a sum of money. (At first the indictment said \$550; in court it became \$150.)

(4) On Nov. 20, 1944, Ruth Green-

glass boarded a train for New Mexico.
(5) On Dec. 10, 1944, Julius visited the Greenglass apartment at 266 Stanton St., N.Y.C.

(6) On Dec. 10, 1944, Julius received from Ruth Greenglass a piece of paper containing written information.

(7) On Jan. 5, 1945, Julius and Ethel "conferred with" the Greenglasses.

(8) On Jan. 5, 1945, Julius gave Ruth Greenglass a torn half of a jello box.

(9) On Jan. 10, 1945, Julius introduced David Greenglass to a man on First Avenue.

(10) On Jan. 12, 1945, Julius "conferred with" David Greenglass.

(11) On Jan. 12, 1945, Julius received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos project.

(12) On Jan. 14, 1945, David Greenglass boarded a train for New Mexico.

NO JELLO, NO RUSSIAN: Of these 12 "overt acts," Rosenberg, when he took the stand, denied four as outright falsehoods. He said he never gave Ruth Greenglass any sum of money, and never received any written information from her or any sketches from David Greenglass. He denied giving Ruth a torn half of a jello box or introducing David to "a man" on First Avenue. This man, according to Greenglass' testimony, was "a Russian," whose name, dress and description Greenglass was unable to recall when pressed to do so by Rosenberg's attorney, Emanuel Bloch. Greenglass testified to riding the man in his car. "Being very busy with my driving," Greenglass said he "didn't pay too much attention" to what he ("the Russian") was saying; nor could Greenglass recall whether he mentioned details concerning this meeting with "a Russian" when he signed his first FBI confession implicating Rosenberg.

Rosenberg did not challenge the other "overt acts" listed in the indictment; he did, however, challenge and deny on oath the import of these acts as alleged by the uncorroborated testimony of witnesses whose accusations against the Rosenbergs saved their own hides.

CASUAL CLASSMATES: The meeting in Elitcher's home in Washington—the only testimony purporting to corroborate the Greenglass' portrayal of Rosenberg as a master spy who toured the country recruiting espionage prospects—defies credulity as it was described by Elitcher.

Elitcher said that in June, 1944, Julius Rosenberg telephoned him, identifying himself as a college classmate and wanting to see him. The Elitchers were just finishing dinner and Elitcher in-

vited Rosenberg over. Elitcher testified that he had been friendly with and known socially only one or two of his classmates at the College of the City of New York; the other 200 were casual acquaintances whom he knew only from classrooms. It was in this category that he had known Rosenberg, whom he "didn't recall much about" and whom he hadn't seen or communicated with in the six years since their graduation.

HOW'S ABOUT SOME SPYING? Against this background, then, here is how "master-spy" Julius Rosenberg proceeded to "recruit" his former classmate into his espionage net; according to Elitcher's sworn testimony:

"He came over after supper and my wife was there and we had a casual conversation. After that he asked if my wife would leave the room, that he wanted to speak to me in private. She did and then he said to me—he talked to me first about the job that the Soviet Union was doing in the war effort, and how at present a good deal of military information was being denied them by some interests in the United States, and because of that, their effort was being impeded."

Then, according to Elitcher, Rosenberg asked him whether, in his job with the Navy's Ordnance Bureau, he had access to secret information and whether he would turn it over. (Elitcher said he neither accepted nor rejected the offer; but under cross-examination he admitted that he never turned over to Rosenberg any material, secret, classified, confidential or otherwise.)

THE DISHES WERE DIRTY: Rosenberg's account of this meeting is considerably different. He said that when he was in Washington in 1940, while his wife was working in the government's census bureau, he bumped into two former classmates, Morton Sobell and Max Elitcher, at a swimming pool. (Elitcher hadn't recalled this encounter.) Four years later, Rosenberg testified, he was sent to Washington on a Signal Corps assignment. After being in the city for three days, he became lonely and attempted to look up Sobell and Elitcher. He said Sobell's name was not listed in the Washington telephone directory, but Elitcher's was.

Rosenberg testified that, after he had been at the Ellitchers' home for a short time, Mrs. Ellitcher did leave the room. But instead of being sent out by him so that he could make spy overtures to her husband (as Ellitcher claimed), she left the two men alone for a mission as prosaic as washing the supper dishes. He saw Ellitcher a year and a half later in Washington, and a third time in New York in 1946. He denied categorically any "spy" talk with Ellitcher on any of these occasions; their encounters were no more than get-togethers of old classmates.

However, Rosenberg agreed readily that he had talked about the war effort, about the opening of the second front, about the Soviet Union's military and economic gains, and his freely-expressed view that the Russians had

"... contributed a major share in destroying the Hitler beast who killed six million of my co-religionists, and I feel emotional about that thing."

OVERT FAMILY GATHERINGS: The three meetings with the Greenglasses that are listed among the "overt acts" as sinister implementations of the spy plot did indeed take place, Rosenberg testified. But, instead of the intriguing conversations that the Greenglasses ascribed to the meetings, Rosenberg said that one of them was at a family gathering when David first returned to New York on an army furlough; another occurred at his mother-in-law's, when he saw and talked to Ruth Greenglass after her return from a five-day visit to her husband in Nov. 1944; and the third was at the Rosenbergs' apartment, where the Greenglasses had been invited to dinner (similar invitations had been extended to David and Ruth by all the relatives who attended the family dinner welcoming the army sergeant home for furlough).

At these meetings, Rosenberg testified that he discussed nothing more sinister than their children, work, the progress of the war, and politics in

Rosenberg Case

(Continued from Page 4)

which Rosenberg voiced the opinion that the Soviet Union was still bearing the "heaviest load" of repelling the Germany Army, and that a second front should have been opened sooner.

NOT SO MASTERFUL: What gives the clearest hint that the Rosenbergs are victims of a political frame-up is that the 12 "overt acts" listed in the indictment all occur during the six-month period preceding Julius' dismissal from his Signal Corps job on charges that he was a Communist Party member—a period during which he surely must have been under investigation on these charges.

Rosenberg's open and constant espousal of the Soviet's role against Hitlerism during his employment by the U.S. Signal Corps was known to his superiors when he was dismissed as a "communist" in Feb., 1945. If indeed his discussions during this very period were not only about politics, but about espionage, this fact would certainly have recurred in the accusations bringing about his dismissal; also, if this had been the case, the government characterization of him as a "master spy" in this period would be a wild over-estimate of perhaps the most inept spy in all history.

A "SINISTER" TYPIST? Ethel Rosenberg, when she followed her husband on the stand, also denied categorically the Greenglasses' accusations purporting to link her to the espionage plot as Julius' assistant and moral supporter. The Greenglasses accused Ethel of

typing up A-bomb notes which allegedly were given to Julius by David; writing letters to the Greenglasses which they were living in Albuquerque, N.M. (and allegedly giving them instructions for meeting a courier); and being present at several of the meetings which the Rosenbergs insisted were family or social gatherings. No letters, notes or any other corroboration of these accusations were presented.

Ethel Rosenberg testified that she did own a portable typewriter; that she earned her living as a typist before her marriage; that she corresponded with the Greenglasses for her mother, "who doesn't write English very well"; that she did some volunteer typing for the ladies' auxiliary of her husband's union, and, during the war, for the Office of Civilian Defense. Apart from these typing activities, she admitted to typing nothing more "incriminating" than her husband's denial of the government's allegations in severing his employment on the charge he was a Communist.

It is on such "evidence" that this typical young progressive couple, devoted parents of two small boys, are now lodged in the Sing Sing death house. Consideration of how the government twisted their happy family life and union and political activities into a nightmare of "spy" accusations leads to the conclusion that any progressives would have been equally "guilty" had they been hauled into a N.Y. federal courtroom in March, 1951, prosecuted by U.S. Atty. Irving Saypol, their trial presided over by Judge Irving Kaufman.

Next week: Jello boxes and Russian dressing.

THE ROSENBERG CASE—VI

**Did the court prejudice
jury against defendants?**

Clippings
National Guardian

SEP 26 1951

F. B. I. DIVISION

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By William A. Reuben
GUARDIAN special reporter

WHEN TESTIMONY had been completed in the espionage trial of Julius and Ethel Rosenberg in Foley Square last March, and just before the summation and the judge's charge, attorney Alexander Bloch (who with his son Emanuel represented Mr. and Mrs. Rosenberg) addressed Judge Irving Kaufman with the following motion:

"I move for a mistrial upon the ground that the frequent questioning by the Court . . . of witnesses, especially the defendants, had a tendency of unduly influencing the jury to the prejudice of the defendants and depriving them of their constitutional right to a fair and impartial trial."

Judge Kaufman indignantly brushed the motion aside and challenged the defense's sincerity in making it.

HECKLING & SMEARS: A selection of examples of what the defense motion referred to follow. The reader should judge them against this background:

The government had outlined to the jury a spy-melodrama case against the Rosenbergs for which it offered no testimony or documentary proof. As the GUARDIAN pointed out last week, this "headline" case not only was supported by no evidence whatsoever, but the details of it were not even contained in the "overt acts" charged in the indictment. Instead, the "overt acts" were ordinary day-to-day activities of a typical young New York progressive couple, distorted into "charges" by the testimony of three witnesses all of whom bought light sentences or immunity by offering incriminating versions of these alleged "overt acts."

However, the case against the Rosenbergs as presented in the "overt acts" was clearly not sufficient to win a conviction unless the couple could be credibly smeared before the jury as Communists and "Russia Firsters."

THE FACT THAT WASN'T: When the Government called its first witness (Max Elitcher, CCNY classmate of Julius Rosenberg's and a man with a 5-year perjury rap hanging over him for concealing Communist affiliations in obtaining a government job), Judge Kaufman interrupted the prosecutor's direct examination of the witness to address the jury as follows:

"I want you to understand right at the outset that **THE FACT THAT THEY** (the defendants) **WERE MEMBERS OF THE COMMUNIST PARTY** (emphasis ours) does not establish the elements necessary to prove them guilty of the crime charged in this indictment, which is conspiracy to commit espionage. However I am admitting this testimony on the theory of motive, but the Government will have to establish that there is some connection between Communism and committing the offense charged in the indictment."

There had been no evidence up to this point that the Rosenbergs were Communists, yet the Judge referred to this as a "fact." The only "fact" then in existence bearing on this point was Julius Rosenberg's denial of Communist affiliations in seeking to regain his Signal Corps job in 1945.

Thus Judge Kaufman, in the apparent act of counseling the jury on how to judge the evidence, committed the first act of implanting the defendants' "Communism" in the jury's minds.

ON THE HONOR OF BENTLEY: Later, when the Government brought Elizabeth Bentley to the stand to offer her now-familiar testimony that all Communists are spies for Moscow, Judge Kaufman carefully pointed out to the jury that this testimony was what he had referred to in his foregoing statement about the connection between Communism and espionage.

THE COURT: "I assume that this is the causal connection that we have been talking about between membership in the party and intending to give an advantage to a foreign government, to wit, the U. S. S. R., as charged in the indictment."

As Bentley continued with her testi-

mony. Judge Kaufman again interrupted to ask:

THE COURT: "Very well. Now, with particular reference to the instructions concerning help or aid to Russia, did I understand your testimony that the Communist Party officials instructed the members of the Party orally and in writing, in a general way, to do everything possible to aid Russia?"

A. "That's correct, yes."

The judge then explained the import of Bentley's testimony to the jury, in a way which amounted to little more than his earlier question spelled backwards:



JUDGE IRVING KAUFMAN
He sat in judgment

THE COURT: "The purpose for which this testimony was taken . . . is not to establish the guilt here of the crime charged because any of them might have been members of the Communist Party, but it is to show a link, as the Government contends, exists between aiding Russia . . . and being members of the Communist Party. . . ."

Judge smears defense

When it became the defense's turn, Judge Kaufman was less cooperative, and in fact openly antagonistic. Atty. E. H. Bloch sought to question Elitcher about the circumstance that he, a government witness, was represented by the same lawyer, O. John Rogge, as two defendants in the indictment, David and Ruth Greenglass. Prosecutor Irving Saypol objected.

SAYPOL: "Will your honor let me state on the record my objections? I think the cross-examination is taking a turn which is wholly unfair to the prosecution. First there is an implication that the U.S. Government recommends lawyers and witnesses to defendants."

THE COURT (sustaining the objection): "Well, you had better be prepared, Mr. Saypol, for many, many more implications by the defense in this trial. . . ."

IRRELEVANT BUT VICIOUS: Contrarily, when defense objected later on as irrelevant to Saypol's questioning of Ethel Rosenberg about having signed a nominating petition for a Communist candidate in 1941, the court quickly ruled: "There is relevancy"—thus in three words affirming for the jury the contention of the McCarran Act that such association is sufficient to prove "Communism," with all the connotations already built up in the jury's minds.

Again, when Julius Rosenberg testified he held low-cost insurance on his family with the Intl. Workers Order, Saypol demanded to know whether IWO was not "an organization whose members exclusively are members of the Communist Party?" This was a truly Hitlerian lie by inference, but attorney

Bloch objected merely that the prosecutor was "really going off the issue."

"Oh, no!" the Court ruled.

A basic defense contention was that the Greenglasses, to save their own necks, had implicated the Rosenbergs under FBI urging because of animosities which had grown up between the couples in 1949-50 over business differences. Greenglass admitted the differences but insisted he and Rosenberg had remained "good friends."

Q. (by E. H. Bloch): "Did you ever come to blows with Julius?"

A. (by David Greenglass): "No, I didn't."

Q. "Do you remember an incident when you were sitting in the corner candy store at Houston St. and Av. D when your brother Bernie had to separate the both of you?"

A. "It slipped my mind."

THE COURT: "Subsequent to that, had you pitched things up?"

A. "Certainly. We were very friendly after that."

ALICE OUT-ALICED: The Greenglasses' testimony, in an effort to connect family gatherings with the Rosenbergs to the alleged spy plot, freely tossed off names of guests etc. as persons connected with Julius in espionage activity. (None of these persons was called as a witness or named in any indictment.) One, now a music student in Europe, was depicted as a beneficiary of Julius' supposed ability to provide money and means for agents to flee the country. Another, an active social worker and child psychologist, was portrayed as the bearer of \$2,000 to Cleveland to help another agent over the border. Still another, referred to in the subsequent exchange, was allegedly first pointed out to Greenglass by Rosenberg as a person who would contact him in New Mexico for information. Later they met socially but Greenglass could testify to no discussion of espionage matters. Rosenberg testified that the woman and her husband had been merely dinner guests at a homecoming for David Greenglass. Attorney Bloch questioned Rosenberg about the dinner party:

Q: "Did you ever have any discussion with Ann Sidorovich or her husband at any time with respect to getting any information relating to the national defense of this country?"

A: "I did not."

THE COURT: "Did you ever discuss with Ann Sidorovich the respective preferences of economic systems between Russia and the United States?"

Rosenberg replied that "in my normal social intercourse with my friends we discussed matters like that." Atty. Bloch, to offset the implications of the judge's interruption, elicited from Rosenberg the statement that he would fight for this country in a war with any other country. Again Kaufman interrupted:

THE COURT: "Do you approve the communist system of Russia over the capitalist system of this country?"

DEATH FOR TYPISTS: The following kangaroo court tactics occurred at one of the most important junctures of the trial, over the allegation that Ethel Rosenberg typed atomic information received by Julius from Greenglass:

Q: "Did your wife ever type up at your request any matter as a result of your having received any of that 12-page descriptive matter?"

A: "She did not type any such thing."

THE COURT: "Is your wife a typist?"

A: "Yes, she is."

THE COURT: "Do you have a typewriter at home?"

A: "That is right."

THE COURT: "Proceed."

Q: "Did you ever take any material that was ever transmitted to you by Dave or Ruth Greenglass and turn it over to the Russians or anybody else?"

A: "No, I did not."

THE COURT: "Did you know any Russians at that time?"

Rosenberg's direct examination ended like this:

Q: "Just one last question: Did you ever have any arrangement with Dave Greenglass or Ruth Greenglass or any Russian or with your wife or with anybody in this world to transmit information to the Soviet Union or any foreign power?"

A: "I did not have any such arrangement."

Q: "Did you ever engage in any such traffic or transaction?"

A: "I did not."

THE COURT: "I think I am through, your Honor."

But His Honor was not through.

THE COURT: "Has Mr. Sobell ever been at your home?"

A: "Yes, he has."

THE COURT: "When? Do you remember the occasions?"

A: "He has been there in '48; he has been there in '49 and been there in '47."

THE COURT: "Do you remember how many times each year?"

A: "I would say a couple of times."

(Morton Sobell was the defendant kidnaped by the FBI from Mexico and eventually convicted without a single overt act charged against him.)

SHE SERVED JELLO: Ethel Rosenberg's examination was much briefer and less involved than her husband's. But Judge Kaufman played no favorite.

Q (to Ethel Rosenberg by Bloch): "Your sister-in-law further testified that in order to arrange for . . . exchanging and getting information, you, your husband, and your sister-in-law went into the kitchen of your apartment, and that your husband took the side of a Jello box and cut it in an odd fashion and he gave your sister-in-law one half and he said, 'This half will be brought to you by another party and he will bear the greetings from me, and you will know that I have sent him'; was there any such thing?"

A: "No such thing ever happened."

Q: "Did you ever hear of any such thing as a Jello box being cut in two in order to be a means of identification of any emissary or agent to be sent by your husband out West in order to get information from the Los Alamos Project?"

A: "Outside of this courtroom, I never heard of any such thing."

THE COURT: "Incidentally, did you have any Jello boxes in your apartment?"

Saypol's hectoring was hardly less tendentious than His Honor's. Thus, in cross-examining Julius Rosenberg:

Q: "Did you ever make any contribution to the Joint Anti-Fascist Refugee Committee?"

A: "Yes, I believe I did."

SAYPOL (turning to the jurors): "That is known to be an organization deemed subversive by the Attorney General."

FAIR OR FOUL? To the host of questions tossed at him by the prosecutor in cross-examination about his political affiliations, Rosenberg refused to answer, claiming privilege under the 5th Amendment. This is what happened when attorney Bloch objected to this entire line of questioning:

BLOCH: ". . . This type of question goes to collateral matter. The charge here is espionage."

THE COURT: ". . . I wouldn't enter this if I believed it was collateral. . . I believe that in view of the foundation which the Government has laid that it is relevant."

Rosenberg, in answer to a question from Saypol concerning his view about Russia, said he had read in the newspapers that "the Soviet government has improved the lot of the underdog there."

SAYPOL: "What newspapers did you read that in?"

A: "Various newspapers."

SAYPOL: "You mean, the Daily Worker?"

For Ethel Rosenberg, whose cross-examination by the prosecutor consisted almost entirely in attacking her exercise of privilege in refusing to answer questions before the grand jury before she was indicted, here is one of the questions which enabled Saypol and Judge Kaufman to send this mother of two small children to the Sing Sing death house:

Q. "A little while ago you said you did everything to help Davy, do you remember that?"

A. "Yes."

Q. "Did you help him join the Communist Party?"

DEATH HOUSE BANTER: Finally, when the prosecution produced a "surprise" witness under the guise of rebuttal—a photographer who testified that he had taken "passport photos" of the Rosenberg family (although he could produce no negatives of the pictures nor a record of the transaction)—attorney Bloch asked the witness:

Q: "Now there are some Saturdays when you do a rather rushing business?"

A. "Not a rushing business."

Q. "Well, a good business?"

SAYPOL: "Did you say a 'Russian business' or a 'rushing business'?"

Judge Kaufman playfully admonished the U.S. Attorney not to try to be a Milton Berle and the jury chuckled respectfully. Thereafter, their sport exhausted, both judge and prosecutor sought spiritual guidance (according to the N.Y. Times) and returned to Foley Square to send the subjects of their banter to the Death House.

NEXT WEEK: The significance of the death sentence.

Death: A sentence too cruel and too horrible — unprecedented and illegal in the bargain

By WILLIAM A. FRIEDMAN
GUARDIAN special reporter

LAST April, in sentencing Ethel and Julius Rosenberg to death in the electric chair of charges of entering into an atomic espionage conspiracy in 1944-45, Judge Irving Kaufman told the convicted defendants:

"... I believe your conduct in putting into the hands of the Russians the atomic bomb was perfect. The bomb was ready-made. The Communists agreed to go along with the Russian conspirators, according to the American press, and who know that that millions more of innocent people may pay the price of your treason, however, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country. So you are not to die as you live in a constant state of tension. We have evidence of your treachery all around us every day—the civilian defense activities throughout the nation are aimed at preparing us for an atomic bomb attack."

"... In the light of the circumstances, I feel that I must have such sentence upon the principals in this disloyal conspiracy to destroy a free and free nation, which will demonstrate with clarity that this nation's security must remain inviolate."

This was the rationalization for imposition by a civil court—for the first time in this country's history, either in peace or war—of the death sentence on a charge of espionage.

REFLECTING HYSTERIA: The Jewish Daily Forward, which accepted without challenge the judge's statements as to the Rosenbergs' guilt, nevertheless found the sentence "too horrible" and "too cruel." It probably spoke for the whole Jewish community of America when it added that "every Jew feels the same way," but it is now apparent that—without any means of disputing Judge Kaufman's tirade against the young New York couple—affair vaster segment of America finds the sentence too cruel and horrible.

Most compelling argument against the sentence is that the judge's pronouncements in passing it were not a statement of trial evidence; nor did the sentence reflect—as a federal district court decision has stated a sentence should reflect—a "careful, humane and comprehensive consideration... to the circumstances contemporary to the offense." Calling the sentence "unjust,"

The Socialist American-Jewish National Magazine published in Chicago, said Kaufman "was carried away to an extent by the hysteria which has overtaken our country." In fact Kaufman's pronouncements were a summing-up of the hysteria and misinformation on which the Administration has relied for the past five years to warp the public mind into accepting a war-profits economy and even war itself.

BURIED FACTS: In successive articles over the past two months, NATIONAL GUARDIAN has presented an array of facts tending to show that the Rosenbergs are at the very least entitled to the granting of their appeal for freedom, because of reasonable doubt and because no corroborative proof of their participation in any spy conspiracy whatsoever was produced. Furthermore the GUARDIAN has endeavored to present at least a circumstantial case that they are victims of a political frame-up designed to convince the public that Communists, or people who can be so labeled, are by their very existence a danger to the country's security and the people's safety (the McCarran Act contention.)

But even assuming that the Rosenbergs did participate in such a plot, the judge's statement justifying the death sentence falls apart factually when viewed against the historical facts; and the sentence itself becomes not only cruel and horrible but ridiculous and illegal to boot.

STUDY IN CONTRASTS: Of the "secret state" charged against the

Rosenbergs, the first occurred in 1944; the last in Jan. 1945. The conspiracy, the sentence, if it may in any conceivable way be justified, can be understood only in terms of the political climate six years after the commission of the "crime." Death for the crime the Rosenbergs allegedly committed is unthinkable had they been brought to trial at the time it allegedly was com-

SEC. 8
SEC. 9
SEC. 10
SEC. 11
SEC. 12
PROPERTY SUPERVISOR
PROPERTY CLERK
TRAINING UNIT

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OCT 4 - 1951
FBI - NEW YORK



Tokyo Rose and the smiling marshal

For treason in wartime, proven beyond a shadow of doubt, Isidore D'Aguiar (Tokyo Rose) got a sentence of ten years. Axis Sally, who did the same job for the Nazis as Rose did for the Japanese, got off with the same sentence.

mitted, when the Soviet Union was a war ally. But even for aiding an enemy in World War II, no individual was sentenced to death.

In the wartime spy case known as U.S. vs. Morison, four men who gave vital aircraft secrets to Germany in the fall of 1939 were let off with 5- to 10-year sentences. "Axis Sally" and Tokyo Rose—against each of whom was presented a mountain of evidence showing they had actively worked for an enemy in wartime, and against each of whom was absolutely proven treason, the greatest crime chargeable against a citizen in relation to his own government—were each sentenced to 10-year imprisonment. (With time off for good behavior, both will be free before the Rosenbergs' appeals have been submitted.)

These were the sentences imposed in the other Soviet "atomic spy" cases in the cold-war period (all except Rose and May confessed to the charges):

1950 Gov. sentenced 39 convicted to 10-year prison terms.

Dr. Klaus Fuchs, physicist, sentenced to 10 years.

John W. Brown, British physicist, sentenced to 10 years.

Dr. Klaus Fuchs, physicist, sentenced to 10 years.

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WHERE WERE THE EXPERTS? Referring to testimony given by David Greenglass pertaining to the A-bomb sketches and notes he allegedly gave to the Rosenbergs for the U.S.S.R., Time magazine explained:

The spin on trial could not be expected without proof that they had given and that secrets to the Russians.

Greenglass drew a sketch in court and gave a long oral description of the information he allegedly gave Rosenberg. Although the burden was on the government to prove the accuracy and validity as well as the secrecy of the Greenglass sketch and description, a liaison man with the Atomic Energy Commission was the only person permitted by the government to testify that they in any "substantial degree" reflected the actual construction of the bomb.

This point of view found no acceptance from any informed quarter. They commented that "some of his [Greenglass'] testimony made little scientific sense," and that Greenglass' bomb was not "up to date, complete or accurate," after pointing out "the general principle of an atom bomb has been a secret."

"ILLOGICAL, UNWORKABLE": To the science editor of Life, "Greenglass' implosion bomb appears illogical, if not downright unworkable." Scientists have been reluctant to take seriously the Hube Goldberg contraption solemnly introduced by the prosecution through Greenglass. This authoritative publication's lengthy article on the Greenglass bomb began:

History's most elaborately guarded secret—how to make an atomic bomb—was casually let out of the bag in a courtroom last month. Or was it?

The Scientific American article contained this biting—and highly revealing—comment:

What the attorneys failed to note was that without quantitative data and other necessary accompanying information the Greenglass bomb was not much of a secret.

Thus the sketch which the Rosenbergs were accused of sending to the U.S.S.R. was not only "illogical" and "unworkable" but it was "not much of a secret" according to the best authori-

WAS THERE A SECRET? Moreover there is one basically significant aspect of the sentence of death imposed on the Rosenbergs. It deals with the kind of information supposedly given to the U.S.S.R. If their guilt be assumed.

In cases involving espionage the burden is on the prosecution, as our courts have held, to prove that information transmitted is "secret." When information already "has been made public property," there is no offense in transmitting it to a foreign power.

In a speech last January before the New York City Bar Assn., Dr. J. Robert Oppenheimer, foremost U.S. authority on atomic weapons—as reported in the N.Y. Times—

... declared that there were no "super-secret" secrets concerning atomic weapons, and no "secret laws of nature" available to only a few.

Judge the evidence in the case.
UNNEEDED WARNINGS: The content of "secrecy" concerning atomic information has been the most assiduously-planted propaganda of the cold war. It runs directly counter to the testimony in 1945 of scientists most closely associated with atomic development, such as Harold C. Urey, Oppenheimer, Huxley in England and others who pleaded with the public and the Allied governments to understand that there existed no basic atomic secrets. They warned then that atom bombs could be built by any nation, that the only protection against atomic war was international outlawing of atomic weapons and destruction of stockpiles.

In the Summer, 1945, issue of the *Journal of Physics* of the U.S.S.R., Soviet physicist Veksler published a paper describing two of the key devices underlying the principles of atomic explosion. This was at the time of, or prior to, the New Mexico atomic tests and the U.S. bombing of Hiroshima and Nagasaki.

Why the Soviets did not themselves develop an atomic bomb for use in World War II may be a matter for humanist and scientific instead of military speculation. But at any rate at least two of the "secrets" that formed the basis for the charges against the Rosenbergs were familiar to Soviet scientists in 1945.

VERDICT BY PASSION: Before the Rosenberg trial the government told the public it would produce as witnesses such top nuclear physicists as Oppenheimer and Urey, and wartime A-bomb project chief Lieut. Gen. Leslie Groves. None of them came to testify. Was it because they might have admitted that no "atomic secret" ever existed at all?

In any event the assumption that Soviet knowledge of the principles of nuclear fission and atomic explosion, published in detail in the Soviet press in 1945, could have resulted from "secrets" of the clumsy nature of former Los Alamos Sergeant David Greenglass' sketch in Judge Kaufman's court, is one that only an uninformed jury under the spell of a demagogic prosecution could accept.

That the jury may have been led to believe such a consequence possible is no warrant for Judge Kaufman's pronouncements or his death sentence. The U.S. Federal Court has advised its judges that

... The Court, if it is to be a Court of Justice, must never be arbitrary, capricious, or subject to the whims of popular passion. Outside of lynch law there is probably no more appalling example in American memory of yielding to popular passion, in the face of judicial tradition and historical and scientific fact, than Judge Kaufman's death sentence on Julius and Ethel Rosenberg for "putting into the hands of the Russians the A-bomb" and "causing the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans. . . ."

THE LETTERS OF JULIUS and ETHEL ROSENBERG

Oh, how indescribably bitter it is to be separated from one's children — yet must I curb my longing . . .

We publish below further excerpts from the correspondence of Ethel and Julius Rosenberg, the two Americans now under death sentence as "atomic spies." The first letter, from Ethel to Julius, refers to his letter to her in April (published last week) after she was transferred to Sing Sing Death House.

During your letter brought you right into a cold grown suddenly quiet as a tomb, much as though you, too, were visiting me, stirring me to the depths. . . .

Look, bottle-nose, what are you trying to do; usurp my Gibraltar undisturbed as I sit in the literary garden in the family? Apparently it was enough for you that you are an Atomic Swengali, a smokeless octopus, now you have also got to be a plain, ordinary, good-natured and staid your wife's (highly doubtful) superiority as a writer! Sweetheart, more power to you. The unutterably sweet consideration of love and devotion contained in this last epistle filled me with such deep and abiding happiness and brought you so close I could almost (but not quite) reach out and touch you.

(Julius to Ethel—Mother's Day)

This tragedy bring Mother's Day to a particularly difficult occasion. We are the mother of our two girls (Michael, 8, Brianne, 6-Ed.). I am not among the very poor and motherless, you would imagine separated from your darling and not being able to cherish your motherly prerogatives. It is that tremendous power, as motherhood and deep understanding that you so richly have enabled to harness, harness and stand up a girl.

be proud of their mother. As I've
 said, you say "I'm-a-pret-
 say and love."

(Sent to Atty. General Black)

"But I have a special request to make of you, Father. Will you please tell Mother and I, won't you please with him to offer me to have Mother's hand over the girl whom I love so in my heart, because it is the very best, because I am at God's side so that I will be eternally with Mother and the whole lot. So you really think that it won't do for a daughter, perceptible child like this, to have a fiancee who is so far from the fact that I was not permitted to receive it? God, who has been there possibly be what crime committed if I am allowed this one touch of love from my darling daughter whom I have not even for close to a year now. My aim is not to have it, won't you, Maany?

(Julius to Ethel—May 9)

... Ethel, I was terribly shocked
to read that Willie McCoy was
executed. . . . My heart is sad, my
eyes are filled with tears. I must
say SHAME AMERICA! Shame on
those who perpetrated this heinous
act! Greater shame on those who
did not lift their voices and hands
to stop the inhuman execution.
It seems to me that the Federal
courts have adopted the shameful
and medieval practice of the
Southern States, legal lynching.

of Negroes—and are now attempting to in our case, to apply this to political prisoners. First my words, dear Sir, The harsh sentences handed on us is part of the state's hypocrisy designed to maintain the silence of the political prisoners in order to let it stand for them to emerge on a humanitarian thing long prison terms and even death sentences for political prisoners. It serves the added sinister purpose of establishing a fear psychosis among the progressive Americans. The moral imperative is to let the conspirators be to be ripped away, the loud bawling of jackals of hate, to be to be answered with reason and fact, and only positive organizations of free people and those showing direct action can successfully save the political prisoners' freedom and our country. That is why we can punish growing number of people will come to understand.



CLASS AND "BIR" AND JOHN WITH ME
-to a to to-John-2-SPRING-

In mid-May, a month after Ethel was sent to the Death House, Julius won his fight to be sent there too. They saw each other for the first time in six weeks when they conferred together with attorney Mark J. Weiss on Ethel:

... I know no good and reasonable
nothing about our deepest and most
important problems, but as soon as I am
over there was a terrible accident.
-Darling, I miss you so much and
I am so convinced for your welfare
and peace of mind. All during the

My ever will you not would I not
 again to answer the letter
 deep love - I love for you, my
 friends. Only one who experienced
 this nightmare is capable of com-
 preending the tremendous emo-
 tional pressure of this type of in-
 carnation. Ethel, please keep
 holding up your chin as it does
 much for our confidence.

...I'm sure we'll make it.
Daring. With strategy and justice
we'll be delivered from this dark
age to beautiful life and freedom.
Goodnight, my wife.

Ethel replied:
"It's only three days ago that
my lips were in a desperate hunger."

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OCT 17 1951
FBI - NEW YORK

A close-up of a handwritten musical note on a five-line staff. The note is a half note, represented by a vertical stem and a curved head. The handwriting is in dark ink on aged, slightly textured paper.

so yours and my glance kindled to behold the long-loved, oddly familiar, oddly strange being close to whom I had lain and sweetly slumbered through how many nights—only three days by the calendar, yet am I certain that eons have elapsed and that I dreamed our meeting in any case. . .

My dearest husband, what heaven and what hell to welcome you to monotonous days and joyless nights, to endless desire and endless denial. And yet here shall we plight our troth anew, here held fast by brick and concrete and steel, shall our love put forth gripping root and tender blossom, here shall we roar defiance and give battle. . .

Julius' readjustment to Sing Sing occupied their next few letters, then late in May Ethel wrote:

Of course, you experienced the same pangs of unfulfilled hunger at the termination of our visit as I did; and yet what sweet gratification there was for us in the simple fact of our being together. . . Can we ever forget the turbulence and struggle, the joy and beauty of the early years of our relationship when you courted me and I accepted you as my heart's dearest? Together we hunted down the answers to all the seemingly insoluble riddles a complex and callous society presented. Those answers have withstood the test of time and change and still stand for all those who are not afraid to look and see and examine as we did in the long ago and far away.

Indeed, it is because we didn't hesitate to blazon forth those very answers, it is because we were relentless, uncompromising, implacable, in implementing our beliefs with action, that we sit today within the gray walls of Sing Sing, awaiting we know not what further pain and sorrow and emptiness. And yet for the sake of those answers, for the sake of American democracy, justice and brotherhood, for the sake of peace and bread and roses, and the innocent laughter of little children, shall we continue to sit here in dignity and in pride and in the deep abiding knowledge of our innocence before God and man, until the truth becomes a clarion call to all decent humanity and the doors of this slaughter house are flung wide?

There was once a wise man, I forget his name, who marvelled at the "indestructibility of human character." Beloved, we shall prove him right; per'aps then will other human beings believe in their indestructibility, too, and rally in ever increasing numbers to our defense and their own. For they who have the courage and the foresight and the decency to aid the Rosen-

bergs, will find in their own dignity and integrity as an individual, and the guiltlessness of his feelings toward other human beings. If we live without these precious gifts, what are we but "dwellers in the dust" who know not, who sing not, who care not—and who can inspire no other to know or to sing or to care!

(From Julius—June 9)

. . . When I was arrested and subsequently when I went to trial I told our lawyers it is very difficult to beat a case like this in an atmosphere fraught with war talk, witch hunts and frenzied super-patriotic mouthings of 200 plus percent "Americans." In plain English the facts and laws of the land were thrown out the window and prejudice and emotion ruled. It is now our only salvation to fight all this and force the truth and couple it with an expert legal defense.

We are positive of the one fact that we are not part of this conspiracy but only victims of a political frame-up. Ours is a lot full of frustration and emotional torture; we need all the help we can get to free us as quickly as possible from this terrible tomb. Your steadfast support and devotion has bolstered us a great deal, particularly your kindness and love for our children. Know that in spite of our great hardships Ethel and I are strong and we'll continue to hold our heads high, but to all of our family and friends I repeat, please hurry and help us.

. . . We are counting on you and you can count on us — All my love. . .

When the Rosenberg children had been removed from a shelter home (where they were con-



ETHEL ROSENBERG

Just send my love through you. How is my adopted "Pop" anyway? Tell him his adopted "daughter" is as rebellious as ever; let him just come and see me and I'll give him a sample of the old lung power! Oosh, how I used to bawl him out during our consultations and how he'd plead with you to make me "stop yelling" at him! Now, far away it all seems; I can see him, this minute, after the verdict, sitting there heart-broken, overcome, sick to the soul of him at all the rotten hypocrisy of the impartial judge and the impartial jury. His old eyes have beheld so many slimy things, I'm hoping it's in the cards for him to behold our eventual victory!

On Aug. 22, a week after the GUARDIAN series on the case began, Julius wrote to Bloch:

. . . The radio just announced the Circuit Court reversal of the Remington conviction, and from what was said I can gather it will have far-reaching effect and may be of use in our appeal. This is certainly a blow against the high-handed tactics of Saypol and the Justice Dept. This together with the splendid news you brought us [the start of the GUARDIAN series—Ed.] has bolstered our courage. We have never lost heart but it feels good to know things are happening. . .

When attorney Bloch arranged for the children to visit their parents in Sing Sing, Ethel took charge by mail. She wrote six full letters of detailed instruction, of which the following was her last word:

. . . I want to caution you in closing to give yourself enough of a head-start from the city on Friday to cover any unexpected delays and still enable you to get here at 12:30 as planned. Make sure in advance that Jerry (the driver) knows exactly how to get here, so that there shall be no slip-ups and consequent loss of time. You might also take the precaution of bringing a bit of food along from home and then just in case there is inadequate time to stop for lunch, you can feed them just before you hit Ossining, and they can eat more substantially, if it is required, after the visits are over.

I know you're probably sore at hops because I'm instructing you as though you were a simpleton; be that as it may, I shall beat your brains out (and Jerry's too) if you frustrate me by coming late. Remember, you once told me you wouldn't mind being my whipping boy? Well, this is it!

Seriously, though, the thought that has gone into all these letters stems from a torment of anxiety about the future of the children. You can understand that, can't you?

The older Rosenberg boy, Michael, knows that his parents are in prison, believes in their complete innocence and in their eventual vindication.

beings fight for freedom, ensure their own eventual release.

As rebellious as ever . . .

(Continue to M. Bloch)

Ethel's family all but deserted her after her arrest, Julius' family stuck with the bereft couple, and they relied heavily on Julius' sister for attention to their children. Following are excerpts from their letters to her.

(From Ethel—May 19)

Right now, I am re-reading the account of your trip with the children to the Bronx Zoo. I don't suppose I could ever really tell you how safe and secure I feel to know without question that you and yours will never turn a deaf ear on my two precious ones and their overwhelming need to be loved and cared for in our absence. The wound of my separation from them is brutal, as you may well imagine, but at least I rest easy in the knowledge that, come what may, their darling Daddy's family will never desert them.

(From Ethel—May 26)

Oh, how indescribably bitter it is to be separated from one's children. Can the heart ache ever really be measured? I am a vessel filled to overflowing with so much sorrow, so much pain, it seems as though I shall never be quite free of these feelings again. Yet must I curb my longing and bid myself be patient yet a while more. The thought of my sweet husband ever comforts and sustains me; I simply must not be found wanting.

(From Ethel—June 2)

The longer I know him (Julius), the more am I impressed with his warm-hearted sincerity, his

financed for a year after their parents' arrest) to live with Julius' mother, Ethel learned from his sister that domestic problems were arising. She wrote to attorney Bloch:

I have a practical suggestion for one particular problem my sister-in-law mentioned. She claims there is annoyance over the fact that the children rough it up rather noisily together in the early morning before the adults are ready to rise and supervise their dressing and breakfasting. I used to prepare them, by a proper suggestion the night before, for them to use certain play materials, specifically laid out for their use (within easy reach) for quiet early morning play—materials like plasticene, a couple of particularly attractive books (something large and colorful which they don't get to see as often as their other books), magic slates to scribble on, and nice, large writing pads of unlined drawing paper with a box of good crayons for each. You might even say that their Mommy had made the suggestion to so behave in the morning and would be happy if they would try to remember to undertake this kind of play—just the same way they used to when Mommy and Daddy were still asleep at home. . . .

Another letter to Bloch discloses much about Ethel Rosenberg's character:

I'd like to drop your dad [co-counsel Alexander Bloch—Ed.] a few lines but since I don't know if it would be permissible, I'd bet-

My trust telling my Michael . . . We your parents still can't come home as our appeal to the higher courts has not as yet been heard. Be patient, honey, as everything will turn out all right and we'll come home too, when all this is over. I see your mummy regularly and we talk about you two fellows. We look at your pictures and hug and kiss you with all our hearts. You are very dear and precious to us and I send you all my love. We'd like to hear from you as to all the things you do, see and hear. You write so well and it gives us so much pleasure to hear from you. Oh, by the way, thank you for the lovely Father's Day and Anniversary cards you sent me. Imagine, you are becoming a post-taking after your wonderful mother. Well, there is the erector set and many things you can build. I remember the fun we had with the cranes and boom derricks and how we used it with the tracks, trains and blocks. It's fun to play and build so let's hear about it. How is my baseball champ getting on? Did you have a chance to go swimming?

Here is one of the letters from Julius Rosenberg to his sons, after almost a year of separation:

Send our love and best wishes to your Grandma Sophie (Julius' mother—Ed.) and the nice lady and tell them I'm sure everything will work out all right because we are all working together from the heart and we are doing a wonderful thing for all of us. We are well and glad to hear such good news about you. We will be home, you can bet on that.

Your own Daddy Julius

THE LETTERS OF ETHEL AND JULIUS ROSENBERG

**"My heart cries out for you—take heart
and know that we are not alone..."**

Since early in August, 1951, the *New York Times* has been bringing to the public the facts of the case of Ethel and Julius Rosenberg. So much detail has been given that a most important aspect has been neglected: the human side of this young New York couple torn from their two children (who were placed in a shelter home), separated from each other for over a year, finally confined in the Death House as legal prisoners for their appeal goes in an untimely way.

Beginning below we attempt to remedy this lack by the only means at our disposal: publication of the letters written by Ethel and Julius Rosenberg during their purgatory of isolation to each other, to their children and to friends. The two letters reproduced here, which appear virtually in full, were the first interchange between the Rosenbergs after Ethel, within a few days of their sentencing in April, was transferred to the Sing Sing Death House from the Women's House of Detention in New York. Julius remained for another month in New York's West State Jail.

In the Death House they have at each other for one brief period every week. A conference with attorney Emanuel Bloch in connection with their appeal. Communication between them that therefore continues to be by letter. Extracts from this correspondence and from letters to those on the outside, which we will publish next week, could tell the picture of two Americans whose strength, tenderness and conviction should be a source of inspiration to all concerned in the movement in which they have for years been working.

My heart cries out for you—take heart and know that we are not alone... I don't know what I've and what I should do, but I'm a Communist.

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Richard L. ...
OCT 10 1951

SECTION

...the weight of the impressions that have been stamping themselves upon it, I pause upon minute, hour upon hour, since my removal here. I feel a sharp need to share all that burdens my mind and heart and so bring to naught, make invalid the bitter physical reality of our separation... Darling, do I sound a bit cracked? Actually, I am serious about it and find that I must at least express my deep-seated frustrations so that you will comprehend. All I must endure in order to "wrest from my locked spirit my soul's language." That's from Thomas Wolfe's "You Can't Go Home Again," from which inspired writing I am deriving deep emotional and intellectual gratification.

As you see, sweetheart, I have already embarked on the next leg of our history-making journey. Already there appear the signs of my growing maturity. The bare of my large, comfortable ball hold several books, the lovely, colorful cards (including your exquisite birthday sweeties) so that I accumulated at the House of Detention line the low ledge of my writing table to pleasure the eyes and brighten the spirit. The children's snapshots are taped onto a "picture frame" made of cardboard. And smile sweetly upon me whenever I so desire and within the same frame, I shall find that courage, confidence and perspective I shall need to see me through the days and nights as bottomless horrors of a tortured because I may not utter, or frenzied longing I must deny. Gulls, dearest, how I wait upon the journey's end and our triumphant return to that precious life from which the foul monsters of our time have sought to drag me.

Sunny, I'll have to write you a second letter after this one goes out, as I don't want to keep you waiting a minute longer for word from me. Darling, I love you.
I think
I'll stop about
I received your wonderful letter this afternoon. The first impression I got is that the situation as it confronted you was both overwhelming and to some degree you were a bit emotionally shocked. This is no doubt the effect one expects. However, more important I notice a limited clarity and speediness in all this turbulence. It is certainly remarkable to see that at this early date, the pendulum of emotions still hovers about a stable core and already you have begun to organize yourself. Your perfectionist's passion for detail will do you in good stead. I'll say always do not succeed in bringing you back to the Women's Detention Home I will move heaven and earth to be sent to Sing Sing or the nearest you and to be able to see you whenever it is possible.

During the weeks of our series on the Rosenberg Case, the GUARDIAN has received a flood of letters from readers asking how they can join in support of the young couple—the first Americans ever to be sentenced to death by a civil court for alleged espionage.

Last week formation began of a National Committee to Secure Justice for the Rosenbergs. William A. Reuben, noted author of the GUARDIAN series on the case, will act provisionally as chairman. Formation of this committee was stimulated by the GUARDIAN series on the case and by the GUARDIAN's suggestion every effort will be made to enlist the committee from among rank-and-file people who are concerned over the case.

As the single group of Americans now best informed about the case, all GUARDIAN readers are invited to join this committee. Support on a nationwide scale—which our readers can provide—is needed NOW for the cause of securing justice in this supremely important case. By joining the committee you can, wherever you are, help in the tasks of portraying the facts to the general public in reprint and digest form, and of assuring that funds are available to carry on the appeal of Ethel and Julius Rosenberg against their conviction and sentence of death.

Will you fill out the coupon and send it in TODAY?

William A. Reuben, Provisional Chairman

National Committee to Secure Justice for the Rosenbergs

c/o NATIONAL GUARDIAN, 11 Murray St., New York City

Dear Mr. Reuben:

Please include me in the National Committee to Secure Justice for the Rosenbergs. Enclosed \$... to help bring the facts of the case to a wider audience and to secure funds for legal needs. Please send me copies of all materials issued by the Committee. You may (may not) use my name in the Committee's work.

Name _____
Address _____
City _____ State _____

If you are not with me, I may not know this decision as this is what I must do. Your single document is indeed a book that not only is your tremendous passion but you have the courage, confidence and unshakable perspective to come through this time, dark and often some of the most humble to this your people of you and inspired by such a woman.

It is impossible to keep the truth and facts of our case hidden from the public. Someday after the true picture will become known to all. Many people have already agreed to put away and let family, their sentiments and desire to help me take heart and know that we are not alone and that the monstrous sentence passed on us which at first stunned the people will as time goes on result in an avalanche of protest and this great movement against us but legal right will prevail.

Southard is not trying to minimize all the difficulties you face. Believe me I am fully aware of the situation, the pain and the sad feelings and heart-cries of my own and I want to shield and protect you and be with you in this time of need and to hold you in my arms. For I too am sure as you that I just know you will be safe, be free and that is the only thing that we will come by and each other again and go back as

you say to our precious life and wonderful family.

Constantly you are in my thoughts. At times I close my eyes and see you so closely, your sweet, pretty face, wide-awake eyes, a pleasant smile, you are ever beckoning to me and I very willingly pursue you—but the reality of our separation pulls me back to consciousness. It would take me many hours to tell you of my profoundest feelings of my deep love for you, but I am sure I cannot convey all this to you in writing. Ethel, you're just my girl and nothing on this earth can change that.

In a couple of days the Passover holidays of our people's search for freedom will be here. This cultural heritage has added meaning to us who are locked away from each other and our loved ones by this modern Pharaoh. It has such meaning to us and our children. Yes, we are missing a lot but this, too, shall pass and we will have cause for greater celebration. Since we are unable to do much, but talk about the children, do not worry me everything that is possible is being done for them. See if you could do a great deal of writing—I want to be closer to you and your letters are so satisfying. Try to drop a few words to our two

Always your very own,

THE ROSENBERG CASE

Congress' atomic energy group punctures government's case

By William A. Reuben
GUARDIAN special reporter

THE GUARDIAN began its series on the trial and death sentence of Julius and Ethel Rosenberg last Aug. 15. Two weeks ago the National Committee to Secure Justice for the Rosenbergs was formed. Last week the campaign, spurred by letters of support from many parts of the country and from abroad, drew its first fire from the Hearst press which led in calling for the Rosenbergs' death.

The N.Y. Journal-American denounced the GUARDIAN for its series, referred glibly to the Rosenbergs as "the two spies who stole the secret of the atom bomb for Russia."

Leonard Lyons' gossip column in the N.Y. Post sandwiched an item on the series between nightclub chit-chat. Nowhere did the U.S. press take up the questions raised by the GUARDIAN that the Rosenbergs' guilt is

plainly unproven, that in any case the death sentence is unwarranted and apparently a punishment for progressive political thinking.

JUDGE vs. COMMISSION: But support was forthcoming from a strange quarter—the Joint House-Senate Committee on Atomic Energy. Its 222-page report published last April, after the Rosenbergs had been sentenced to death, demolishes every point made by the prosecutor and the judge in regard to the death penalty.

Judge Irving Kaufman, imposing sentence, said:

"I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea with the resultant casualties exceeding 30,000, and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

The commission's report, entitled Soviet Atomic Espionage, states its objective as "assessing the atomic-espionage damage inflicted upon the U.S." It cites four spies who, it says,

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did the most damage to U.S. defenses in this order: Dr. Klaus Fuchs, Dr. Allan Nunn May, Dr. Bruno Pontecorvo and David Greenglass.

The Rosenbergs are mentioned only once, by way of recording their conviction.

WERE SPIES NECESSARY? The four spies together, according to the report, "have advanced the Soviet atomic program by 18 months." Qualifying that judgment the report adds:

This is not to imply that Russia could never have broken the American atomic monopoly through her own unaided efforts.

Fuchs, the alleged master spy, the report claims, "may have set ahead the Soviet project by one year." Of David Greenglass, the report says:

... The bomb sketches and explanation that Greenglass—as a virtual layman—could prepare must have counted for little compared with the quantitative data and the authoritative scientific commentary upon atomic weapons that Fuchs transmitted. . . . Everything considered, Greenglass appears to have been the least effective of the four spies.

Yet even taking the prosecution's unproven charges as valid, the Rosenbergs did no more than transmit the sketches of this "least effective" spy, which "must have counted for little."

WHAT A SPY NEEDS: Judge Kaufman, in justifying the unprecedented death sentence, called Julius Rosenberg "the prime mover in this conspiracy"; Ethel "his full fledged partner"; both of them the "principals in this diabolical conspiracy."

The committee's report cites a letter written by atomic scientist Karl Cohen of the H. K. Ferguson Co. to committee chairman Sen. Brien McMahon (D-Conn.) describing the attributes of an efficient spy:

Knowledge of the general scope of the work, access to detailed information, and an appreciation of its significance.

The Rosenbergs, an obscure couple clearly having no knowledge and no access to detailed information on atomic energy, wait in the death house convicted of "altering the course of history."

Rosenberg case appeal filed in court

By William A. Reuben

EMANUEL H. BLOCH, attorney for Ethel and Julius Rosenberg who are in Sing Sing under death sentence for alleged "atom spying," filed on Nov. 5 with the 2nd Circuit U. S. Court of Appeals a 143-page brief appealing the legality of the sentence.

In the brief's first point, the statute itself under which the Rosenbergs were brought to trial is challenged: it is so vague in its reference to transmitting documents "relating to national defense," Bloch ar-

gues, as to violate the First, Fifth and Sixth Amendments to the Constitution and hence nullify any conviction secured under it. The second point holds that the Rosenbergs' right under the Sixth Amendment to be informed of the nature of charges against them is violated by the indictment, which fails to supply allegations disclosing that the "information" allegedly transmitted was in fact "secret."

Bloch also argues:

- That defendants were denied a fair trial by the judge's "misconduct and bias," of which 210

instances are cited:

- That the death sentence is "cruel and unusual punishment" violating the Eighth Amendment, and has "the features of a barbarism, which the patina of judicial finality cannot efface";

- That the court erred in allowing the prosecution to make defendants' political beliefs a basic part of its case, ostensibly to provide BOTH "motive" and "intent."

PUBLIC OPINION FRONT: As the brief was filed, the Committee to Secure Justice for the Rosenbergs waded into the fight. Spurred by the enthusiastic response to its GUARDIAN appeals in dollars and

pledges from all over the country, the committee was taking two active steps to bring the case before a wider public: circulating a statement of intentions on the case that

enlists support of Americans of conscience and goodwill, and delivering to a printer the material for a 16-page pamphlet from the GUARDIAN series of articles.

William A. Reuben, Provisional Chairman,
National Committee to Secure Justice for the Rosenbergs,
c/o NATIONAL GUARDIAN, 17 Murray St., New York City 7

Dear Mr. Reuben:

Please enlist me in the National Committee to Secure Justice for the Rosenbergs. Enclosed \$..... to help bring the facts of the case to a wider audience and to assure funds for the National Committee. Please send me copies of all materials issued by the Committee. You may (may not) use my name in the Committee's work.

Name..... Occupation.....
Address.....
City..... State.....

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Support for the Rosenbergs pours in from all over America

By William A. Reuben
GUARDIAN special reporter

THE GUARDIAN announcement of formation of a National Committee to Secure Justice for the Rosenbergs has brought an unprecedented response from all over the land, from Americans in almost every walk of life in 23 states and Alaska. With no organization behind the case, with no other publication making the facts public, already more than \$1,300 has been received, which assures reprinting of the GUARDIAN's series on the case; and enough offers of help to insure that the facts will before long be placed before the American people.

Here are a few excerpts from letters received:

A Long Island housewife: "We are sending an initial contribution of \$50. We would like as much literature as you can send—to get others to contribute their share, to form a committee out here, so that these two fine people will again find the happiness they rightfully deserve."

A Brisbane, Calif., newspaper-woman (with a check for \$100): "No one familiar with the Tom Mooney trials (I covered them for the Tri-City Labor Review) will be surprised at the Rosenbergs' case."

Nan Pendrell, New York City (with check for \$20): "Though I am a writer and the words should come easily, I cannot set down my reverence for the fortitude and integrity of Ethel and Julius Rosenberg—I cannot phrase my love for their children. But I can ask you to be good enough to let me know how I can give these youngsters a little of the parental love now denied them with such cynical cruelty. Would Michael like to go to a football game some Saturday or Sunday? What kind of games or books would they enjoy? How can we give them some kind of a Christmas? . . . Your Committee will surely be successful. There must be so many mothers, like myself, now sitting down to send you a contribution and to pledge themselves to the triumph of decency."

A physician in New Jersey (who sent in a large check following the GUARDIAN's first call for support, writes again): "My wife and I are willing to take the Rosenberg children in our home and take care of them as long as necessary. We have three other children and a dog home for them."

A school teacher from Olivet,

Mich.: "I hope this \$10 will do as much good as it would if I had sent it to the GUARDIAN. You have something to live up to—do your best."

A Long Island, N. Y., businessman (with \$20): "It is impossible to express the horror and revulsion which this injustice causes me to



feel. I can only hope to overcome it by doing something to help the Rosenbergs win their freedom. I would consider myself privileged to be able to serve actively on your Committee."

Ella Wright of Sedro Woolley, Wash.: "Am enclosing two \$1 bills. There are other causes I would like to help, but this seems the most urgent to me."

Herman Katzen of N. Y. City: "Enclosed \$1 for defense of the Rosenbergs, victims of a hysterical frame-up. What happened to them could happen to anyone who disagrees with the warmakers."

Sam Serget of North Hollywood, Calif.: "Your publication is indeed like a breath of fresh air in an atmosphere polluted with evil and hate. . . . I have been following your expose of the unbelievable farce of justice, the Rosenberg story. Their letters to each other are the products of the minds of two wonderful people. Even if one did not know the true story of their framed conviction, these letters alone would be proof of two souls entirely incapable of the

deeds for which they have been convicted."

A Bronx, N. Y., graduate student (with \$5): "Julius and Ethel Rosenberg will be free because we will never stop fighting until they are free. When the Trumans, the Tafts, the McGraws, the McCarrans, the Medinas, the Saypol, etc., are gone and live only in the pages of infamy, the names of Julius and Ethel Rosenberg will live forever as a shining beacon of truth and justice, of humility and compassion, of understanding and sacrifice, and of love of freedom and their fellow man."

Mandel A. Terman, Chicago, Ill., professional man (with \$10): "I am sorry I cannot make it more at this time. To me the Rosenbergs give courage and strength and faith in the ultimate triumph of love, justice and peace on earth. More power to the GUARDIAN for the excellent journalism in bringing the Rosenberg Case to the attention of decent America. Tell the Rosenbergs there are tens of thousands in our beloved country who would do as I am doing if they only knew the facts."

Mr. and Mrs. John H. Birch of San Pedro, Calif.: "Wish we could afford more. At least we want to let you know our full weight is behind you in a great human cause."

A woman in Avon Park, Fla.: "I enclose \$1 to show my interest in the Rosenberg Case. I hope everybody else will be able to send more. Please use the enclosed postal, so all funds will go to help the case."

A former political prisoner now living in Houston, Tex.: "I am enclosing \$5 to enlist me in the fight for the Rosenbergs, who also have been made political scapegoats by J. Edgar Hoover and his Gestapo."

A New York City woman: "I enclose \$1 to help bring the facts of the case to a wider audience. I am really ashamed of not giving more but am unable to due to my illness. Please don't refuse to accept it. It would break my heart."

A member of the New York Bar (with \$5): "I have been a bed-ridden patient for four years and this left me without funds. Or else there would be no limit to what I would contribute."

Robert Scott of Chicago: "Dear

Defenders of the People's rights . . . The Rosenbergs have come the test case. Ordinary, loving American people come with their family affairs should up and defend these parents every way identical with selves. If we fail to do this the same combination of megalomania, hysteria, court



craft and socially-insane atom planners will convert us all miserable, weapon carrying expendable material in a crazy, new war."

Anonymous (with \$20 bill): "Ashamed for having to resign anonymity in contributing to a worthy cause; but it only to make me more agitated at conditions which have forced to do so to maintain economic security. Please keep up the work. The Rosenbergs must be for our conscience sake."

Anonymous, Baltimore, Md. (with \$10): "For the Rosenbergs—anything sum will be repeated as possible."

"A Friend," N. Y. City (with \$10): "I am grateful that the about the Rosenbergs in print. How horrible, terrible, but they can be saved. American people know about."

A housewife in Boston, (with \$15): "I hope my small contribution will help a little."

though I do not sign my name believe me to be sympathetic and sincere. I am in this fight heart and soul until the end."

A dentist in Long Island (with \$10): "I wish to offer my praise and thanks for your series on the Rosenbergs and for this kind fighting journalism that is almost extinct—almost but not quite. While there is a NATIONAL GUARDIAN to read, I shall try to get more and more money for the Rosenbergs. It will be an honor have a hand in freeing such brave and beautiful people."

So many readers have written in with offers of assistance to the Rosenbergs (Michael, 8, and Robert, 4), inquiries as to how they might help the Committee or with comments or suggestions calling for a reply, that it has been impossible to acknowledge them all. Senders of specific suggestions or offers may be assured their letters will be individually answered as soon as possible.

Many other readers have asked how they can communicate with the Rosenbergs. Death House inmates they permitted to receive mail only from their immediate relatives and their attorney. But to read the GUARDIAN regularly. The most effective way to show your support for the Rosenbergs is to cut the coupon below.

William A. Reuben, President, Chairman,
National Committee to Secure Justice for the Rosenbergs,
c/o NATIONAL GUARDIAN, Murray St., New York City 7

Dear Mr. Reuben:

Please enlist me in the National Committee to Secure Justice for the Rosenbergs. Enclosed . . . to help bring the facts of the case to a wider audience and to assure funds for legal needs. Please send me copies of materials issued by the Committee. You may (may not) use my name in the Committee's work.

Name Occupation
Address
City State

A radiance behind the Death House bars

LAST FRIDAY defense attorney Emanuel Bloch spent three hours with Ethel and Julius Rosenberg in the Sing Sing death house. News of the nation-wide response to the GUARDIAN appeal for funds and support "thrilled them and moved them to tears," Bloch reported. Julius Rosenberg asked Bloch to transmit this message to GUARDIAN readers:

"I feel I am again living with the struggles of the people against tyranny. The bars no longer seal us, we are no longer isolated. I have enough faith in the people of America to believe they will vindicate us and the cause we represent when they know the facts. The charges against us were nebulous but the meaning of the death sentence is all too clear. Our crime was that we were plain, progressive-minded people who believed in democratic and constitutional rights, in decency, humanity and peace. That is why we were tried and condemned to die; so that others like us would be frightened and silenced.

"We miss the opportunity to create, to talk to our fellows, to work, to go home and enjoy comfort and peace with one's family, with one's wife and children. But the GUARDIAN's articles, and the wonderful response to them, give us hope and courage and strengthen our belief that the efforts of our oppressors are doomed to failure."

Here is what Ethel Rosenberg said, as attorney Bloch took down her words:

"All of a sudden my dark and wretched surroundings are touched with radiance and color. The expressions of support from my new-found brothers and sisters are unutterably touching. I am speechless with gratitude and admiration for all the precious human beings who have offered their love and assistance to our dear children and have at the same time tendered such a beautiful tribute to us, their parents. In my humility, I pledge myself anew to the unceasing war against man's inhumanity to man in whatever form it may rear its brutal head. I shall never sell short the faith and trust that the GUARDIAN readers have reposed in my husband and me. Else shall our lives have gone for naught."

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National Guardian
Nov. 7, 1951

"The Rosenbergs shall not die!"

NEW YORK, N.Y.

The GUARDIAN's mighty call for liberation of the framed, the tragic and yet wondrous Rosenbergs will in due time become as enshrined in the hearts of all decent humanity, as did Lincoln's tiny speech at Gettysburg. I can't believe America has ever witnessed a more callous, obscene and hideous frameup — nor one aimed more directly at the innocent and peace-desiring American people.

I do believe that the prosecution is part and parcel of Hitlerite insanity. And I know that its immediate victims in this instance symbolize goodness and tenderness and warmth and light: a reading of their love letters tells me that; and because of their inspired literary quality, because they express a compassion not only for one another but for all oppressed humankind, the personal letters of Julius and Ethel Rosenberg shall long outlast as classics those of the Brownings and of Abelard and Heloise.

The printing of these letters alone would have sufficed to stamp the GUARDIAN as the noblest paper in America. But coming as a climax to William Reuben's masterful expose of these innocents framed — well, for me the GUARDIAN has become immortalized.

The Rosenbergs shall not die! Their freedom means your own salvation and mine. Raise your voices, all you Jews, both rich and poor! Raise your voices, you men and women of literature, for this gifted and fearless pair of lovers of life and liberty. Raise your voices, all you good Christians — you men and women of toil. The saintly Rosenbergs have been nailed to the cross of American fascism — help pull them down, America! Albert Einstein

Rosenberg pamphlet on press next week

By William A. Reuben

Last April, when Ethel and Julius Rosenberg were sentenced to die in the electric chair, the N. Y. Times spread the story over three pages. Last week, when the Rosenbergs, through their attorney Emanuel Bloch, appealed in a 143-page brief the legality of this conviction, the Times gave the story two paragraphs at the bottom of page 33.

The press black-out empha-

sizes the need to find other means of bringing the facts to the people.

Next week, a 32-page pamphlet, containing in slightly abridged form the GUARDIAN series of articles on the case, will be off the press and ready for distribution. GUARDIAN readers, whose suggestions prompted formation of the Natl. Committee to Secure Justice for the Rosenbergs and whose contributions have made

it possible to take this initial step to bring the facts to the rest of America, are the one group of Americans the committee can rely on at present to help get the widest possible distribution for this pamphlet. It will be available in bulk at \$25 per 1,000 copies, \$15 for 500, \$4 for 100.

This is one pamphlet among all pamphlets NOT to leave gathering dust on shelves. Poor people's dollar bills paid for it.

Every copy should be put in as you can distribute: start the hands of someone who will making your distribution arrangements now. read it. Order as many copies

William A. Reuben, Professional Chairman,
National Committee to Secure Justice for the Rosenbergs,
c/o NATIONAL GUARDIAN, 17 Murray St., New York City 7

Dear Mr. Reuben:

Please enlist me in the National Committee to Secure Justice for the Rosenbergs. Enclosed \$..... to help bring the facts of the case to a wider audience and to secure funds for legal needs. Please send me copies of all materials issued by the Committee. You may (may not) use my name in the Committee's work.

Name..... Occupation.....

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City..... State.....

100-15348-D-18

How two women raised \$350 for the Rosenbergs

DETROIT, MICH.

Several days ago I wrote you that we were planning a Family Dinner to raise funds for the Rosenbergs. Yesterday was the dinner and today instead of feeling droopy and tired, I am exhilarated and inspired.

The wonderful articles in the GUARDIAN had made us feel that more people should know what is going on. My girl friend and I wanted to do something, and wanted it to reflect symbolically the Rosenberg family. Hence we called our affair a Family Dinner. Since we are very busy people we did not do much more than mail out our 100 invitations with personal comments to each party.

Telephone responses started to pour in, people asking what they could do, etc. We figured at last count on about 75 people (but we were so wrong!) So on Friday night and all day Saturday (our day off) we cooked and cleaned and rearranged the home for the occasion. Oh, yes, one important thing. We clipped every single article you wrote about the Rosenbergs, including letters of support from people all over the world, and put it together in a large portfolio. We left it on the plane where everyone had wonderful opportunity to read it.

Well, Sunday at 2 p.m. things started to pop! People kept pouring in from then until 8 p.m. Their response was terrific. Every-

body wanted to pitch in and work. We had volunteers in the study supervising play activities of the children; kitchen help comprising all professions and arts. Young and old were united in one common purpose—to help the Rosenbergs.

One group of 19 people brought in a check for \$30 from their reading club; several people gave large contributions, too. But, in the main, our group were lower middle class people who manage to just make a living. Everyone gave what he could. Not everyone was clear or knew all the details of the case and we urged them to read the articles. One young man of mine gave his 40c allowance. A young psychiatrist read the book of articles with extreme caution—his obvious first exposure to such materials—and his final comment: "There's no question they were railroaded."

We heard over and over from people that they would like to see the material in pamphlet form. We know from people who did not come because they believed the Rosenbergs guilty that it was most important for wider distribution of literature. Please do what you can to publish these pamphlets.

And so now to tell you the thing you are waiting for, and hope that you will be as pleased as we were. We made \$350, and are enclosing the check.

Keep up the good work! We're with you all the way!

ccD

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CLASS _____
FROM NY *National Guardian*
DATED *Nov. 21, 1951*
FORWARDED BY N. Y. DIVISION

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Stool pigeon: 1712

AUSTIN, TEX.

In regard to the "testimony" that was used to railroad innocent and brave people like the Rosenbergs, Joseph Addison, writing in *The Spectator*, July 24, 1712, has a most dissection:

"A man who is capable of so infamous a calling as that of a spy, is not very much to be relied upon. He can have no great ties of honour, or checks of conscience, to restrain him in those covert evidences, where the person accused has no opportunity of vindicating himself. He will be more industrious to carry that which is grateful than that which is true. There will be no occasion for him if he does not hear and see things worth discovery; so that he naturally inflames every word and circumstance, aggravates what is faulty, perverts what is good, and misrepresents what is indifferent. Nor is it to be doubted but that such ignominious wretches let their private passions into those their clandestine informations, and often wreak their particular spite or malice against the person whom they are set to watch."

Max Abby

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Dec. 8, 1951

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 PROPERTY CLERK
 TELE. ROOM

Rosenberg pamphlet is ready

I took a lunch-time collection among my associates and came up with another ten dollars to help win justice for the Rosenbergs (enclosed). I am proud that by supporting the GUARDIAN this way I am helping to save the lives of these two unfortunate victims of cold war "justice." F. L.

F. L.'s letter is typical of dozens we have received. GUARDIAN readers know that when they give financial support to the Rosenbergs they support the GUARDIAN, and vice versa. All money received for the Rosenberg case has been turned over to the National Committee to Secure Justice for the Rosenbergs. The money received to date is being used to print a pamphlet which will be off the press in a few days. This pamphlet should be given wide distribution as quickly as possible. See coupon below.

William A. Reuben, Provisional Chairman,
 National Committee to Secure Justice for the Rosenbergs,
 c/o NATIONAL GUARDIAN, 17 Murray St., New York City 3
 Dear Mr. Reuben:

Please enlist me in the National Committee to Secure Justice for the Rosenbergs.
 Enclosed \$..... to help bring the facts of the case to a wider audience and to
 assure funds for legal needs. Please send me copies of all materials issued by the
 Committee. You may (may not) use my name in the Committee's work.

Please send me copies of this pamphlet for distribution.

I enclose (\$25 for 1,000), (\$15 for 500), (\$1 for 100).

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National Guardian
 Nov 28, 1951

Christmas for two kids

By William A. Reuben
GUARDIAN special reporter

"HEY, Rubie, does this make me famous?" the youngster asked excitedly. I had just told 8-year-old Michael Rosenberg that GUARDIAN readers wanted to know how he and his 4-year-old brother Robbie planned to spend the holidays this year. Before you could answer, Michael said:

"All right, let's have the interview—fire away. Ain't that what they say? . . . Say," he rattled on, "why do you only charge five cents for the GUARDIAN?" Again he beat me to the punch. "I know—because you don't want to make money, you just want my parents to be free. Do all the people in the GUARDIAN believe my mother and father are innocent?"

"That's right," I said. Michael thought this over for a moment, then exclaimed: "Truman! He ought to read this paper and see for himself that my mother and father are innocent, because he has the right to release them, doesn't he? Doesn't Truman know they are innocent, DOESN'T HE?"

"TELL AUSTRALIA": I started to tell him that it is often difficult to know what goes on in the little President's mind. But brown-eyed, fair-haired Michael was already launched on a discussion of how the article should be handled:

"Tell all your friends about this case, and ask them to give money to the GUARDIAN and the National Committee to Secure Justice in the Rosenberg Case, and write in the article that everybody should give to the poor and to charity and send some clothes to Korea and also adopt orphans and be kind to animals."

"If you don't mind, I'd like this interview printed in the Australian paper. I'd like to know if all the people in Australia are with us. If they all believe my parents are innocent. And I'd like to have a little news about this from Australia so we can print it in the GUARDIAN."

I asked him why all this concern with Australia. He explained patiently:

"That's the smallest continent. I wouldn't expect all the people of Europe to know about the case—yet."

Then, just as Michael was deciding he couldn't think of anything else to say, he suddenly asked:

"Say! D'you think this might get me into trouble—what I said about Truman?"

THE WAITING WEEKS: For the past several months the Rosenberg children—who following their parents' arrest were kept in a Shelter Home for a year—have been living in a three-room apartment in an outlying section of New York City. They are cared for by their father's aged mother, Mrs. Sophie Rosenberg, and by another woman, also named Sophie, who serves as a combination housekeeper, governess, tutor, companion, friend.

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National Guardian
Dec. 19, 1957

FROM A 6x8 STEEL TOMB

'I've never lost faith'

From the death house in Sing Sing prison Julius Rosenberg sent this letter to the Rosenbergs' attorney Emanuel Bloch, and through him to all "the lovers of decency":

Dear Manny:

From what I could gather from the prison people here, the GUARDIAN has not been sent to us, and we've already missed the Nov. 14th and 21st issues. Please see to it that we receive these back copies and that our subscription to this wonderful paper continues. [The paper is being sent.—Ed.]

Each succeeding visit from you is more stimulating than the last, for it brings heartening news. In spite of my confidence there is nevertheless a great letdown in spirits because my existence here is so desolate between your most welcome visits.

I forgot to wish you a happy holiday at our last consultation. As for me I had a very substantial chicken dinner Thursday (Thanksgiving) but it only served to sharpen my hunger and longing for Ethel and the boys. At times the mental agony and loneliness get so unbearable that I have to reread the GUARDIAN articles to seek relief.

What I miss most is social intercourse with my fellow-men and a chance to participate physically in the people's campaigns for peace and a better life. Tell all the

lovers of decency and the people who have a conscience to increase their activity to hasten the day of our common victory for justice and freedom.

In retrospect we have a lot to be thankful for. [Dr. DuBois had just been acquitted when Rosenberg wrote.] There have been a number of victories against tyranny in our land, and our case is being put before the public to see the naked political frameup and take appropriate corrective steps to remedy the shameful blot on our democracy. I hope by the next time you visit us you'll have more good news on further progress in our behalf.

I want you to thank those sweet people who are helping make it a better holiday for Mike and Robbie. Send my regards to your wife and Pop. I'm still ficed away in a 6x8 concrete and steel tomb and I've never lost faith that we'll be delivered from this death house. Send my holiday wishes to all our friends. I'm sure we'll win. Keep the good work up.

As ever,
Julius

William A. Reuben, Provisional Chairman,
National Committee to Secure Justice for the Rosenbergs,
c/o NATIONAL GUARDIAN, 11 Murray St., New York City

Dear Mr. Reuben:

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Please send me copies of the Rosenberg Case pamphlet.

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National Guardian
Dec. 24, 1951

Anti-Semitism and the Rosenbergs

Louis Harap, editor of *Jewish Life*, (222 E. 17th St., N.Y.C. 3, \$2 a year), has written in the January issue (out Dec. 19) of that publication a masterly analysis of the anti-Semitic implications of the Rosenberg Case. Explaining the significance of the fact that while both judge and prosecutor were Jews, Jews were totally excluded from the jury in a city one-third Jewish, Harap accuses Judge Kaufman of "appeasement"

... playing into the hands of the anti-Semites and the fascists ... supplying them with ammunition that may yet prove of extreme danger to the Jewish people under the manipulations of anti-Semites and fascists.

We earnestly commend to all concerned about the case Harap's article on a phase of it which the *GUARDIAN* had no space to cover.

h

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IS "COMMUNISM" TO BE A HANGING OFFENSE IN AMERICA?

Rosenberg appeals for reversal

go before the court

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National Guardian
JAN 11 1952

By William A. Reuben

GUARDIAN special reporter

AS THIS ISSUE of the GUARDIAN goes to press, the appeals of Julius and Ethel Rosenberg for reversal of their convictions and death sentences on charges of atomic spying are before the January term of the U.S. Circuit Court of Appeals in New York.

The appeal brief was filed with the court Nov. 5 by defense attorney Emanuel H. Bloch (GUARDIAN, Nov. 7). By last week the defense had not received a copy of the government's reply brief. Also before the same court was the appeal of Morton Sobell, convicted with the Rosenbergs as an accomplice—without a single overt act being charged against him—and sentenced to 30 years in prison.

The convictions of all three were obtained entirely on the testimony of persons over whom the government held the threat of imprisonment and even death for espionage. There was no corroboration of any of the incrimination intended by this testimony.

A RED IS A SPY IS A RED: Instead, prosecution and court joined in a deliberate process of depicting the young New York parents as communists and in underscoring to the jury the contention that all communists are per se spies for the Soviet Union. The appeal brief states in this regard:

From the very outset of the trial and in his opening statement, the U.S. District Attorney injected into the case and foisted upon the jury the notion that the primary allegiance of the defendants was to "communism, both national and international," and that this "dedication" to the "cause of Communism" was their motive for entering into a conspiracy "to deliver to the Soviet Union the information and weapons which the Soviet Union could use to destroy us."

... The court ... permitted the prosecution, throughout the trial, to insinuate constantly before the jury some facet of the volatile and impressing question of communism.

Thus the issue before the justices of the U.S. Circuit Court of Appeals in the Rosenberg case is whether the accusation of communism is to become a hanging offense in America.

OPERATION HEARST: The Hearst newspapers, which are closer to the inner workings of Justice Dept. than any of the rest of the U.S. press, had this to say when the death sentence was handed down:

The importance of the trial cannot be minimized. Its findings disclosed in shattering detail the Red cancer in the American body politic—a cancer which the Government is now forced to obliterate in self-defense.

The sentences ... indicate the scalpel which prosecutors henceforth can be expected to use in that operation.

DANGER! GAMMA RAYS!

KEEP YOUR HEALTH!



THE SPIRIT OF THE COLD WAR

Spliki, Warsaw

Westbrook Pegler followed this up with a column proposing that all communists be rounded up and shot without trial. Now the House Committee on Un-American Activities is demanding of Congress new legislation permitting death sentences for peacetime espionage.

Thus, nearly a year ago the Hearst press revealed the issue now before the Appeals court: whether for political purposes a government may be permitted by the courts to arraign its citizens on manufactured evidence, convict them "by the atmosphere" (as Felix Frankfurter said of the convictions of Sacco and Vanzetti); and sentence them to death as warnings (or "tok-

ens," as the Romans said it) of the penalty for opposing the policies of the government in power.

AN OLD GAME: In this respect, the brief submitted in behalf of co-defendant Morton Sobell makes the following statement before arguing the details of the case:

The increased responsibility for insuring a fair trial arises not alone because of the difficulty of securing dispassionate consideration in the presence of . . . hysteria. Of sometimes greater significance is the danger that the espionage prosecution may be employed in its familiar historical and political role. From time immemorial that role has not infrequently been—and remains today, where we can see the mote in our neighbor's eye—to divert public opinion from governmental inadequacy or

error, or what is worse and yet may be the same thing, as an incendiary device instrumental to foreign policy.

It is easy to see in the past, or in another country, what we cannot recognize in our own place and time.

POLITICAL TOKENS: The Rosenbergs were the only "token" material within easy reach of the alleged atomic spy plot in which the government seeks to implicate them. The confessed participants in the alleged plot were all in it for mercenary, not political, reasons. The Rosenbergs happened to be in-laws of the confessed spy, David Greenglass. Unlike Greenglass, they were "political": they discussed the merits of capitalism and socialism; Julius Rosenberg advocated a second front in World War II; Ethel collected funds to "Save a Spanish Republican Child" and once signed a petition to nominate a Communist (who was elected) for N.Y. City Council. Furthermore Julius had been separated from a government job on allegations of communism, which he denied.

When Julius's college math notes of 13 years earlier turned up in possession of his brother-in-law David Greenglass, even a Junior G-man could scent the possibilities.

REFUSAL TO LIE—30 YEARS: The connection of Morton Sobell with any alleged spy plot is even more impossibly remote. His name came up in the FBI's checkup on Rosenberg's college classmates. He was an alleged left-winger. His incriminating error was that he had taken his family to Mexico. He and his wife and children were simply kidnaped from the Mexico City flat where they lived with no attempt at concealment. He was imprisoned on a bench warrant and eventually included in a revised indictment, although his name had not occurred in any version of the case obtained earlier from the witness who eventually accused him.

Sobell had the opportunity to join the government's group of suborned witnesses, but refused. As a result he too became a defendant, ending up with a 30-year sentence even though at one juncture in the trial the judge himself implied that Sobell had no connection with the alleged spy plot.

Summing up the appeal in the Rosenberg brief, attorney Bloch states:

The death sentence in this case . . . is punishment for political nonconformity. It has the features of a Dachau, which the patina of judicial fiat cannot efface. In its import, it is notice that the price of political apostasy can be a man's life. The sentence here is a political bludgeon.

This is the real issue before the appeals court.

The Rosenberg fight

NEW YORK, N. Y.

We want you to know how precious the GUARDIAN has become to us, especially since its coverage of the Rosenberg case. We have contributed to this cause and know many others have since you've published it.

Evelyn A. Brown

CHICAGO, ILL.

Keep up the fight on the Rosenbergs. This is the good fight, the patriot's struggle. Your efforts may turn a whole historical table.

Eugene Du Fresnois

Hits at Plea Of Rosenbergs As 'Nonsense'

To "pass off espionage as mere political non-conformity" is "nonsense," a federal attorney declared yesterday in urging the U. S. Circuit Court of Appeals to uphold the death sentence imposed on atom spies Julius and Ethel Rosenberg and the 30-year sentence of co-conspirator Morton Sobell.

The assertion was made by Assistant U. S. Attorney Stanley D. Robinson in response to defense pleas that the verdict be set aside as unfair, and as stemming from



Julius
Rosenberg

Mrs. Ethel
Rosenberg

Seek to avert doom.

the trio's sympathy for the Soviet Union and Communist Party membership.

Reserve Decisions.

The bench—composed of Chief Judge Thomas W. Swan and Associate Judges Harrie B. Chase and Jerome N. Frank—reserved decision on the appeals.

Rosenberg, 32, and his wife, 35, formerly of 10 Monroe St., were represented by Emanuel H. Bloch. Harold M. Phillips represented Sobell, 34, formerly of Flushing, Queens. Assistant U. S. Attorney James B. Kilsheimer 3d, with Robinson, presented the Government's arguments.

Sentences were imposed last April 5 by Judge Irving E. Kaufman after the conviction of the three by a jury of delivering wartime military secrets to the Soviet Union.

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JAN 1 9 1950

Rosenberg appeal heard; court weighs their fate

"Thinking again?" the Duchess asked, with another dip of her sharp little chin. "I've a right to think," said Alice sharply, for she was beginning to feel a little worried.

"Just about as much right," said the Duchess, "as pigs have to fly."

—Alice's Adventures in Wonderland

By William A. Reuben

GUARDIAN special correspondent

ON THURSDAY and Friday mornings of last week, Judges Thomas W. Swan, Harrie E. Chase and Jerome N. Frank of the U. S. 2nd Circuit Court of Appeals listened to defense and government arguments in the case of "U. S. vs. Rosenberg."

The walnut-paneled courtroom on the 17th floor of the U. S. Court House at Foley Square, with its green-leather easy chairs and press and counsel tables and 35-foot ceiling, provided an air of lofty decorum and dignity. But some of the things that went on during the two-day arguments might well have been lifted right out of the Lewis Carroll fantasy.

The court was almost deserted when attorney Emanuel Bloch began presenting his argument on behalf of Ethel and Julius Rosenberg, in what he called "the most dramatic and celebrated case in the annals of American jurisprudence."

Twenty-five persons were on hand, with a fairly even division of lawyers, reporters, spectators and FBI men. Howard Rushmore, covering the arguments for the Hearst press, went to sleep peacefully, stretched out in one of the soft easy chairs, soon after Bloch began.

"Oh, don't bother me!" said the Duchess. "I never could abide figures!"

BLOCH CHARGES "DEAL": At the government counsel table were three young men, alternately whispering, laughing, yawning, but never once looking at the case. They were James B. Kilsheimer, 3d, Roy M. Cohn and Stanley D. Robinson, representing the U. S. Government. Their average age was 36 years.

Attorney Bloch related the curious chain of events that culminated



EMANUEL BLOCH
An eloquent petitioner for life

In two self-confessed spies, David and Ruth Greenglass, making statements for the government that implicated the Rosenbergs. He stressed that Greenglass got off with a sentence that will make him eligible for parole in five years; and that Ruth Greenglass had never been indicted or punished in any way for her spying activities. Referring to the conference with Justice Dept. and FBI representatives arranged by the Greenglasses' lawyer, O. John Rogge, outcome of which was the arrest of Julius Rosenberg, Bloch said:

"Neither Ruth nor David Greenglass told the court or jury what was said at that conference — although their memory was sharp and precise about events that had occurred at that earlier, I charge that a deal was made between the District Attorney, Rogge and the Greenglasses."

The government did not attempt to reply to the accusation of a deal.

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(Continued from Page 1) the government a bill of particulars.

It was on this "doal" that Bloch had mentioned in his final summation, devoting one third of his allotted time to show that, in testifying as they did against their in-laws, the Greenglasses "nervous" was self-preservation. But on Thursday Bloch drew attention to Judge Kaufman's charge to the jury in which, "summing up" the defense's contentions about the Greenglass testimony, the judge had attributed it to "the trouble they had with the Greenglasses while in business together, or for some other unknown reason." Bloch argued that by this "some other unknown reason" formulation, Judge Kaufman "gutted the theory of the defense" instead of summing it up.

For the first time in Elmer's 40 minutes of argumentation there was an outward sign of interest among the three figures sitting above him. Finally it was Judge Chase who broke the silence. Now, he wondered, would "this little statement by the judge" have amounted to the last?

Alice began to feel very uneasy. "They're awfully kind of kidding people here," she thought. "I don't know what it is, but there's something in the air."

ON TRIAL FOR WHAT: Bloch also contended that it was improper for the court and prosecutor to elicit from the government's witnesses and from the Rosenbergs all sorts of testimony concerning the defendants' political beliefs. It was "perfectly lawful" for Americans, he said, to discuss the merits of capitalism and socialism; and the persistent injection of testimony concerning such discussions

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Each witness said that the defendant never showed the defendants to have been members of the Communist Party; yet "that notorious character Elizabeth Bentley had been put on the stand to testify that Party membership provided 'incent' to commit espionage for the U.S.S.R."

Judge Elmer decided to follow Black's argument. "It isn't a crime," the judge said. Then corrected himself, "It wasn't a crime then, so he is a member of the Communist Party."

Sobell: "If there is a case"

The appeal for Morton Brown, sentenced to 30 years imprisonment, was left a single overt act being charged against him, was argued before the court by Francis M. Phillips. He presented evidence that contradicted the state's evidence on the charges. He asked the jury to find the defendant not guilty.

Phillips stressed the fact that the government's case "is weak" is a case "resting entirely on the testimony of one witness, Max Baughman, who showed an inconsistency in his testimony." Phillips pointed out that he had never been indicted for perjury and that in his first statement to the authorities he made no mention of the matter.

2. Even if all the government's evidence was believed, it showed the same stale conspiracies which would have been tried separately. Quoting a statement, Judge Kaufman made sentencing Sobell to 30 years in prison "the evidence in the case did not point to any activity on your part in connection with the atom bomb project." The judge said it was "monstrous to condemn

3 The indictment against Sobell is "vague and indefinite" as he claimed: except for being listed as a defendant there was no mention Sobell's name. Phillips asked the jury how Sobell possibly could have said

The government a bill of particulars.

"You'd better not talk," said Wino. "I heard the Queen say only yesterday you

"What for?" said the one who had spoken first.

That's what I got business, you

SEVEN.

misconduct of the judge and prosecutors and by the use of evidence showing that, three years before the conspiracy allegedly began, he was said to have



JUDGE TRYING CHAIRMAN
There were 216 instances

"According to the theory of the 'American,' said Phillips, 'the United Communist Party is part of this...'

5. The U.S. had no jurisdiction
since it was found to infer
had been illegally kidnapped from the
on an order of the FBI.

The government on Friday were a U.S. attorneys Kilheimer and Belmont. In the 45 minutes Kilheimer occupied exclusively on what the government's brief stated as "the facts," he made no mention at all of the "unlawful" activities which the government charges against the defendants throughout the trial; so if there is never been any defense testimony or cross-examination or prosecution witnesses; as if the government, without there was a conflict in the testimony of their own witnesses, had the option of selecting the most favorable for it; and as if, whenever the evidence was not completely factual, the government had the right to alter it until the purpose of a given argument.

Kilheimer also given arguments about the "facts," which arguments were points of law hardly intrusive in the tale of infamy which evidence before disclosure.

"No, no!" said the Queen. "Don't
pronounce afterwards."

...The idea of having the...

"Off with her head!" the Queen said.

she said at the top of her voice.

WONDERLAND UNLIMITED

at the start of his racial death

Robinson read from prepared

men(s). The youthful U.S. Army.

[illegible]

continued further investigation

Some examples of the kind of

employed in the government's

from which the two young men
their reading follows:

...sufficiency of the evidence. Indeed, their guilt is too plain to admit of dispute.

"What do you know about this business?" the King said to Alice.

"Nothing," said Alice.

"Nothing whatever?" persisted the King.

"Nothing whatever," said Alice.

"That's very important," the King said, turning to the jury.

• September of 1943 was a very productive month for the Rosenberg espionage network. [The statement is made on the basis of evidence, if believed, which showed that the "network" consisted of one corporal at work.]

• During this period (1944-45) they were in close contact with one another and Rosenberg took his brother-in-law into his confidence concerning his espionage activities.

[It is on the basis of this "close contact" between Rosenberg and Greenglass that the government offered testimony portraying Rosenberg as a "master spy." The government's "statement of facts," submitted for the Appellate Court's consideration, does not mention Greenglass' admissions that during his "close contact" he and Rosenberg had "business quarrels of every type and every kind"; that he physically assaulted Rosenberg; and that the Greenglasses instituted a law suit against the Rosenbergs.]

• The year 1950 sounded the curtain on the espionage activities of the Rosenbergs, Sobell and their cohorts.

(Who were the "cohorts?" except for the Greenglasses, implication of the Rosenbergs, the government has yet to produced any confessed spy who ever heard of either the Rosenbergs or Sobell, let alone worked with them.)

• In April, 1950, Morton Sobell and his family fled from this country to Mexico in a manner which paralleled Rosenberg's instructions to Greenglass.

(The "parallel": Greenglass testified he was to slip across the border, spend three days in Mexico, and then leave to find haven "behind the Iron Curtain." Sobell and his family obtained visas and booked passage in their own names; rented and lived in an apartment in their own names for two months before they were kidnaped and

brought back to the U.S.)

"A likely story indeed!" said the pigeon, in a tone of the deepest contempt. "I've seen a good many little girls in my time, but never one with such a neck as that! No, no! You're a serpent; and there's no use denying it."

• Because of Miss Bentley's position and experience in the Communist Party, she was unquestionably qualified to testify to its inner workings. In elaborating on Bentley's "expert testimony," Asst. U.S. Atty. Robinson described her as a "former high-ranking member of the Party." The fact: she never at any time held any position in the CP.]

DEATH & DISCRETION: Answering the Rosenbergs' argument about the trial judge's prejudicial conduct (the brief cites 210 instances), the government brief said "the judge's questions were widely scattered and relatively few in number." Answering Sobell's argument about the prosecutor's misconduct (40 instances cited in the brief), the government called these instances "so few and trivial that the complaint would seem to be motivated ... by personal animosity."

Imposition of the death sentence for this offense of which they maintain their complete innocence—"proven" by the evidence of confessed spies in jeopardy of their own lives—the Rosenbergs in their brief called "cruel and inhuman punishment" in violation of the 8th Amendment.

The government's answer: it was "a sound exercise of the trial judge's discretion."

"Have you guessed the riddle yet?" the Hatter said, turning to Alice again.

"No, I give it up," Alice replied. "What's the answer?"

"I haven't the slightest idea," said the Hatter.

The kind of news
you get in Guardian
is priceless.
Help our sub drive!

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Chicago

HEAR ROSENBERG DEFENSE
STORY. Speakers: Wm. Reuben
Wall, Guardian; Rabbi Samuel Teitelbaum, Rev. Dorothy Branch. Also
dramatic skit "13th Juror." Feb. 6,
6 p.m. Temple Judea, 1227 So. Independence Blvd. Admission Free.

CCB

Boston

PEACE IS POLITICS IN 1953.
Hear: Prof. Philip Morrison, Cornell
Univ atomic scientist; C. B. Balch,
nati. secy. of Prog. Party.
Sun. eve., Feb. 3, 6 p.m. Hotel Lenox,
Cor. Boylston & Essex Sts., Boston
(near Copley Sq.). Admission \$1.
Auspices: Mass. Progressive Party.

6-1-347-D-26
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JAN 23 1952

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CHICAGO FIREWORKS SPARK REUBEN'S MIDWEST TOUR

Rosenberg Case rally held despite canceled hall

By Sidney Ordower
GUARDIAN staff correspondent

CHICAGO
THE first fireworks of William A. Reuben's mid-west speaking tour in behalf of the Rosenbergs, now under death sentence as "atom spies," went off on Monday of last week in connection with the meeting scheduled for Wednesday at Temple Judea. This is in the Jewish working-class and lower middle-class 24th ward, long known as the personal property of Democratic boss Jake Arvey.

Without warning the rabbi of the Temple informed the Progressive Party that the meeting, widely publicized for a month, must be canceled because of protests from chief American Legion witch-hunter Edward Clamag and from the Chicago office of the Anti-Defamation League. (ADL director Albert Rosen, telephoned by GUARDIAN advertiser Lou Blumberg, said those seeking to bring the Rosenberg case into the open were being "anti-Semitic.")

CANCELED, RECANCELED: The Progressive Party went to work and by a phone-call deluge got the rabbi to

PROTEST THE AMERICAN BRETTUS CASE



STOP the
of the
Rosenbergs

WEDNESDAY, FEBRUARY 6-8 P.M.

TEMPLE JUDAH, 1727 INDEPENDENCE BLVD.

LEAFLET FOR THE RALLY
The issue: right to be heard

backtrack, the president of the board of directors to receive a delegation Monday night. When the case was explained to the latter, he said free speech should be guaranteed and the meeting would go on as scheduled. But on Wednesday, the morning of the meeting day, a telegram canceled the meeting again and the deposit made six weeks before was returned. Expressed reason for the cancellation, signed by no individual but over typewritten words "By order of the Board of Directors": the

heretofore unknown "controversial nature" of the meeting.

The synagogue posted a sign: "This Temple will be closed all day Wednesday." Innocent casualties of this maneuver were a Boy Scout group who were locked out when they assembled for their regular Wednesday meeting, and a class of DP's who meet at the Temple weekly to study English and the practice of American democracy.

TRUTH WILL OUT: The pressure to silence discussion of the Rosenberg Case included a series of phone calls from New York City. A rabbi and a minister, who had been advertised as speakers, were forced to withdraw. But the PP promptly hired another nearby hall, set up a private car shuttle from the Temple, and despite all obstacles presented the facts of the case to an overflow crowd of more than 200.

Michael Tuomey, Irish-Catholic attorney, chaired the meeting. Chicago Negro Labor Council vice-chairman Ruth Collins stressed the link between the oppression of her people and a case like the Rosenbergs'. The predominant Jewish working-class audience was deeply stirred by Reuben's presentation

of the case. Your Chicago correspondent urged them to cast aside their political differences and strive to let their own interests be dictated by wealthy Jewish "leaders," pointing out that the important thing was not so much the opinions they might form on the case as their standing up for the right to be heard.

FURORE AT THE TEMPLE: A proposal was made from the floor, and unanimously approved, to send protests to the President and Atty. Gen. McGrath, asking reversal of the convictions and dismissal of the indictments against the Rosenbergs; and to protest to the Temple for buckling to outside pressures in canceling the meeting.

As the evening drew to a close a member of Temple Judea's executive committee came to the hall to congratulate the PP for holding the meeting, and to sympathize with their aim of preserving free speech in the community. He said the president of the Temple had resigned in protest against the cancellation, which had been ordered contrary to the expressed will of the majority of the Temple's officers and executive committee. He invited the local PP representatives to come to the Temple Sunday, to tell its Sunday Breakfast Club something about the case that had created more excitement in the ward than anything since the fight over recognition of Israel.

65-15548-D-277

SEARCHED INDEXED

IF THE ROSENBERGS DIE . . .

'Whole population of U.S. will be adversely affected'

We said and we say again that we are victims of the grossest type of political frame-up known in America. . . . My husband and I are only two people, but this case has significance which far transcends our personal lives. The entire population of America will be adversely affected by our persecution.

—Statement by Ethel Rosenberg when she was transferred to the Sing Sing death house.

By William A. Reuben
GUARDIAN special correspondent

AT ten o'clock at night on Feb. 25 the news came to Ethel Rosenberg over the portable radio at the end of the cell block where for 11 months she has been alone save for the matron who brings food to her six-by-eight cell.

Justices Jerome Frank, Harrie B. Chase and Thomas Swan of the U.S. 2nd Circuit Court of Appeals had scrutinized "with extraordinary care" the record of the trial of herself and her husband on "atom-spy" charges. Their decision was that it was entirely legal to put these two young American progressives, parents of two small boys, to death.

Ethel and Julius Rosenberg knew what it meant; their thoughts for the rest of that night, and since, must have been largely occupied with wondering how long it would take their fellow Americans to realize it.

MILLIONS OF "SPIES": The second highest court in the land had in effect drawn a 43-page blueprint for making fascism legal in America. It had set the precedent under which political non-conformism, described as "espionage," merits the extreme penalty of death. It had given clear warning that Americans can henceforth look for protection of their constitutional rights, not to the Bill of Rights, but to whatever consideration a McCarthy, a McCarran, a McGrath or a Truman might deign to show them.

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National Guardian

DATED *Mar 15 1952*
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The decision climaxed a year in which Ethel Rosenberg's prediction—that "the entire population will be adversely affected by our persecution"—has been increasingly confirmed. Ever since the Rosenbergs' conviction J. Edgar Hoover and Atty. Gen. McGrath have been promising that more "spy" arrests would follow. With the Appeals Court opinion written into law, the number of Americans who can legally be jailed or executed for "espionage" seemed limited only by the capacities of the machinery for arranging convictions.

The press played its part to the end by wilful distortion of the defense arguments where these were not suppressed altogether.

SCAFFOLD SEMANTICS: The Rosenbergs' appeal submitted by attorney Emanuel Bloch first challenged the constitutionality of the espionage statute under which they were put on trial: its reference to transmitting information "relating to national defense" defies clear-cut interpretation and thus violates the First, Fifth and Sixth Amendments. Undefined by any legal or standard dictionary, "national defense" can be made to contain whatever meaning anyone would want to ascribe to it—an argument corroborated by the U.S. Supreme Court's one purported definition which calls it

... a generic concept of broad connotations, referring to the military and naval establishments and the related activities

To save two lives

The Committee to Secure Justice in the Rosenberg Case is meeting this week to chart a course of emergency action to save the lives of Ethel and Julius Rosenberg. The action, designed to arouse the widest possible public protest, will be announced at the first New York mass meeting on the case March 12 at Pythian Hall, 135 W. 70th St., at 8:30 p.m. Meanwhile write to the committee, 246 Fifth Av., New York 1, N.Y., offering your support and asking for pamphlets and other material on the case.

The Appeals Court brushed this aside with a quote from a Supreme Court decision involving a bus company, given 2½ weeks after the Rosenberg appeal was argued:

... But few words possess the precision of mathematical symbols, most statutes must deal with untold and unforeseen variations in factual situations, and the practical necessities of discharging the business of government inevitably limit the specificity with which legislators can spell out prohibitions. Consequently, no more than a reasonable degree of certainty can be demanded. Nor is it unfair to require that one who deliberately goes perilously close to an area of proscribed conduct shall take the risk that he may cross the line.

THE PROOF THAT WASN'T: "The question of communism," the appeal brief pointed out, "permeated the case from the prosecution's opening statement to the time of its submission to the jury"; and since the trial record "remained bare of proof" of any communist beliefs or affiliations of the Rosenbergs, such testimony could have no purpose but to inflame and prejudice the jury. But the Appeals Court, finding "relevant" evidence of an American's political and social views or of "devotion to another country's welfare"—an "attitude" which "bears on a possible motive for his spying"—ruled:

The government had to prove that the Communist Party was tied to Soviet causes in order to make membership in it meaningful as evidence of motive or intent to aid Russia. ... To that end, the government put Elizabeth Bentley on the stand ... [and] she supplied the missing link connecting the Communist Party with the Soviet Union and making Communist Party membership probative of motive or intent to aid Russia.

All this was predicated on the court's declaration that "evidence was introduced ... that they (the Rosenbergs) were members of the Communist Party." Yet no such evidence was ever introduced; the Appeals Court simply invented it, and the press in its congratulatory comments on "justice being

(Continued on Page 5)

If Julius and Ethel Rosenberg die . . .

(Continued from Page 1)

done" joyfully passed on the deception. The implications for the American people, at a time when "responsible" persons denounce even Acheson, Truman and Marshall as pro-communist, are clear.

The only positive testimony at the trial concerning the Rosenbergs' "communism" was that they had expressed preference for a certain form of social-economic organization—not for a government. What follows from the decision is that approval of the social and/or economic policies of any foreign government is declared a motive for criminal attempt to commit espionage for that government, one of the most grievous crimes on the statute book. With regard to Americans joining an organization (which the Rosenbergs were not shown to have done), the decision wipes away the whole doctrine of personal guilt, making such persons liable for all actions of any of the top leadership even though they know nothing about them.

JURY TRIAL "RISK": In connection with the defendants' argument that injection of testimony about "communism" deprived them of a fair trial, the appeal brief called this a violation of the Supreme Court's statement about the general rule excluding prejudicial matter, namely:

It is inconsistent with our traditional conception of a fair trial to permit any information to go to a jury which might

influence a jury to convict a defendant for any reason other than that he is guilty of the specific offense with which he is charged.

Yet admitting that evidence pertaining to communism "can be highly inflammatory," and that the trial judge's warnings that the defendants were not to be convicted merely because the jury believed they were Communists may have been "no more than an empty ritual," the Appeals Court decision concludes:

If so, this danger is one of the risks run in a trial by jury. [There was no cause for grievance, since] the defendants made no effort to procure a trial by a judge alone.

This takes care of Art. VI of the Constitution which says:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury. . . .

CORPORAL EINSTEIN: The many inherent absurdities in the case against the Rosenbergs as "master-spies" remain cloaked in empty verbiage or are airily dismissed. The defense brief objected to a sketch and replica of a 12-page report introduced in evidence by the prosecution, concerning David Greenglass' purported transmittal of the atom-bomb "secret" to Rosenberg. The Appeals Court replied: "We see no error here."

Scientists all over the world know there has been no A-bomb "secret" since 1938 when uranium fission was discovered—a fact made clear in the U.S. government's Smyth Report of 1945. The idea that Greenglass, a machinist without advanced education

assigned to Los Alamos as a corporal, could have even known and mastered, much less turned over "from his own memory" (as he testified), "secrets" that enabled Russia to develop their A-bomb "years before" they would otherwise have done so (prosecution contention, accepted by trial judge Kaufman), is nonsensical on its face.

ALL ARE GUILTY: The court's upholding of the Rosenbergs' death sentence was unanimous; the 30-year jail term imposed on co-defendant Morton Sobell was upheld by a 2-to-1 opinion with Justice Frank dissenting on the ground that Sobell was not involved in the same "conspiracy." The evidence that convicted Sobell consisted of oral, uncorroborated testimony by one witness, Max Elitcher. The majority opinion held that "it did not matter that Sobell knew nothing of the atomic episodes," and quoted from Judge Kaufman's charge to the jury:

"... If you find that there was a conspiracy and that Sobell was a member of the conspiracy, any statements or acts of any co-conspirators are binding upon him because the law is that once you have joined a conspiracy... the acts of the co-conspirators done in furtherance of the same objective, even though the co-conspirators are unknown to you, are binding upon you."

Confirmation of Sobell's sentence strengthened the "legal" foundations for U.S. fascism by ruling, in effect, that:

- A "giant conspiracy" exists to aid the Soviet Union;

- All "communists" past or present are participants in it (i.e., anyone a Bentley may so designate; although in Sobell's case there was testimony, from Elitcher, that he was a CP member from 1939 to

1941—three years before the start of the "conspiracy" according to the indictment, but not too remote, the Appeals Court held, to bind him to the crime);

- Transmission of the A-bomb "secret" to Russia by members of this "conspiracy" has been "proven";

- This act is binding on all other members of the "conspiracy," whether or not they know the other "conspirators" or anything about "the atomic episode."

THE PEOPLE DECIDE: Finally the Appeals Court describes as irrelevant the contrast between the Rosenbergs' death sentences and the fact that Ezra Pound was never brought to trial, Axis Sally and Tokyo Rose got off with five-year jail sentences. The decision denies that the people's conscience is shocked by the Rosenbergs' unprecedented sentences: "Such matters do not adequately reflect the prevailing mood of the public." Death for the Rosenbergs is not "cruel and unusual punishment," for "it is impossible to say that the community is shocked and outraged." Death, in short, is appropriate for nonconformists of the Left so long as the people can be scared into silence by "red" hysteria.

Now under the very shadow of the chair in Sing Sing death house, Ethel and Julius Rosenberg can only wait to see if their electrocution—"not for espionage, but for political unorthodoxy" as their appeal brief said—indeed represents "the prevailing mood of the public."

It is late for their fellow Americans to weigh Ethel Rosenberg's warning; but there is still time.

The case will be speedily appealed to the U.S. Supreme Court.



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Washington, D. C.

HEAR WM. A. REUBEN, Comm. &
 Secure Justice in the Rosenberg
 Case, speak on WHAT CAN BE
 DONE TO SAVE JULIUS & ETHEL
 ROSENBERG. Mon., March 17, 8:15
 p.m. Inspiration House, 1967 Kai-
 orama Rd. N.W. Admission free.
 Progressive Party of D.C.

National Guardian
March 12, 1952

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PROPERTY CLERK
TRAINING UNIT

Fundamental right

PORTLAND, ORE.

The supreme issue in the Rosenberg Case is whether a life should be forfeited while there is reasonable doubt as to guilt. This involves the most fundamental of all human rights, and to deny it means anarchy. For our government to do so would be to renounce democracy in favor of fascism. For our government to execute the Rosenbergs would be to acknowledge such a transition.

For the American people to denounce such a violation of this most fundamental right would be to surrender every right granted by our Constitution. Hence Julius and Ethel Rosenberg incarnate our democracy and their defense is the defense of our homes and our civilization.

Where the votes are

BERKELEY, CALIF

The Rosenberg Case, the John Field Case, and now the Tamm Case—and the N.Y. and Los Angeles trials, and the dozens of others besides, in our country! Today I read that the Los Angeles County Registrar showed: Democrats two years ago: 1,272,883; today, 1958, 548, Republicans two years ago: 802,641; today, 737,599. The Progressives will have to pick up those who dropped away. Olive Burroughs

DATE: 11-11-64

National Guardian.

DATE 13-04-02

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REPORT TO READERS

The Rosenberg Case and the Judenrat mind

THE N. Y. Post is known to New Yorkers as a "liberal" newspaper in the Truman camp, violently anti-Soviet and anti-Communist, expert in red-baiting progressives and oriented largely toward a readership in the Jewish community of New York and environs.

In the Administration's prosecution of the Rosenberg "atom-spy" case, one of the Post's night club gossip columns was used to "leak" many of the prosecution's "next moves" in the case. A series of feature articles after the trial glorified the in-laws whose testimony shifted their own blame on Ethel and Julius Rosenberg. Since the conviction and death sentences, the same night-club gossip column has chatted breezily about the imminent executions of the Rosenbergs and even presumed to "leak" the Appeals Court's rejection of their appeal more than a week in advance.

Last week, following the enormously significant mass meeting in N. Y. called by the Committee to Secure Justice in the Rosenberg Case, at which nearly 2,000 people gathered and contributed more than \$5,000 to the defense, the Post commented editorially:

Now, belatedly and after some rewriting of the history of the trial, a thinly-veiled Communist front known as the Committee to Secure Justice in the Rosenberg Case is staging a shrill campaign to prove it was all a monstrous "frame-up" and to "force" the Supreme Court to upset the verdict. In the course of this campaign the committee has raised the synthetic cry that anti-Semitism motivated the prosecution, the trial judge (Irving Kaufman) and the Appeals Court which, in an opinion written by Judge Frank, upheld the verdict and sentence.

GUARDIAN readers—who themselves formed the Committee to Secure Justice in the Rosenberg Case at the invitation of reporter William A. Reuben when passing weeks and months indicated that otherwise no such activity would ever get started—can best judge the Post's characterization of the Committee as a "Communist front."

Ethel Rosenberg—in a hitherto unpublished comment on the decision of Judge Frank rejecting her appeal from conviction and sentence to death by Judge Kaufman after prosecution by Irving Saypol before a jury which contained no Jews in a city one-third Jewish in population—has herself introduced the term which most grimly fits the whole situation, including the role of the N. Y. Post:

"This is the way the Judenrat performed for the Nazis in the Warsaw Ghetto."

The Judenrat was a Jewish authority set up by the Nazis to collect taxes and penalties from Jews, to quell resistance and to expedite their departure for concentration camps and gas chambers. The furnaces eventually claimed Judenrat collaborators along with their victims as well as thousands of others who dared resist Nazism.

THE SYSTEM won't work here, as thousands of Americans of all creeds and backgrounds are demonstrating by their outspoken disbelief in the guilt of these two "loken" victims and their challenge of the Judenrat tactics used to seek to compel such belief.

As with the Dreyfus Case, Sacco-Vanzetti, Scottsboro and the Trenton Six, the frame-up will out, along with the purposes behind it—even though facts continue to be withheld and slander and hysteria substituted by a jackal press.

—THE EDITORS

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For the Rosenbergs

BROOKLYN, N. Y.

If you could acknowledge the en-
closed \$10 in your letter column as
donated by a conscience-stricken
friend it would please me more
than a receipt. It's for the Rosen-
berg Defense Fund. Last month I
sent you \$25 from another friend
for the same case. Mrs. R. Ekanazi

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A. T. *Philadel. Evening*

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Why must they die

FARMERSVILLE, TEX.

Why should Ethel and Julius Rosenberg have to die on a charge of having passed along to (then) an ally of the U.S. a secret which a number of scientists of various nations have since discovered? Does any government deserve to have a monopoly on anything? And can any government rightly claim to be a democracy that entertains a monopoly on such an important source of energy as nuclear fission? Are the scientists to blame for the conversion of nuclear energy to a powerful weapon of destruction? A negative answer is expected of every thinking honest person.

J. L. Higgins

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National Guardian

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The Rosenberg Case and the GUARDIAN

ON April 4, 1951, Julius and Ethel Rosenberg were sentenced to die in the electric chair after conviction on a charge of transmitting atomic secrets to the Soviet Union when that country was officially our ally. There was considerable shock but little protest.

Last summer the GUARDIAN asked William A. Reuben to take on a new assignment. Reuben through the GUARDIAN had drawn the national and world attention in the case of the Tranton Six. In its second issue in Oct. 1948, the GUARDIAN asked: "Is there another Scottsboro Case in Tranton?" That question and the answers worked up by this paper helped save the lives of all six and set four free.

Last Aug. 18 the GUARDIAN asked another question: "The Rosenberg conviction: Is this the Dreyfus Case of our war against Russia?" This was launched Reuben's carefully documented series demonstrating that the government's entire case rested on the uncorroborated word of a man and woman who were themselves under the threat of prosecution and seeking clemency. (One, a confessed spy, went boot-heel; another, sentenced to 30 years, will be eligible for parole in eight years.) The only concrete evidence presented, Reuben showed, was a Spanish Refugee Appeal collection can found in the Rosenberg apartment and a nominating petition for a successful Communist Party candidate in 1941.

WE ARE NOT ALONE: The GUARDIAN published letters the Rosenbergs had written to each other in the death house, like this from Julius to Ethel:

Take heart and know that we are not alone and that the countless workers around the world are with you. We will be with you in spirit and in deed. We will be with you in the end.

The avalanche began to tumble in the fall and a lot of people took heart with the Rosenbergs. In France, Poland, China, Brazil, Australia, newspapers picked up the GUARDIAN's documentary.

A storm of protest and money for the defense poured in. From Chicago, Ill., a MAG sent \$10 and wrote:

I am sure I could make it even if I had to. I am the Rosenberg's only source of strength and faith in the justice of our country and I will do my best to see that the GUARDIAN's fight is the fight of the people. I will be with you in the end.

From almost every state in the union came letters asking: "How can we help?" Many to the GUARDIAN, through the pages of the GUARDIAN, the National Committee to Secure Justice for the Rosenbergs was formed.

JUSTICE RUNS HIGH: Since then Rosenberg committees have been organized in New York, Washington, D.C., Baltimore, Chapel Hill, Durham, N.C., Winston-Salem, N.C., New Orleans, Boston, Houston, Kansas City, Detroit, Milwaukee, St. Paul, Minneapolis, St. Louis, Denver, San Francisco, Los Angeles, Portland, Ore., Newark. Organization is under way in Philadelphia, Chicago and Cincinnati.

The cost of justice ran high. To print the brief for an appeal to the Supreme Court (the Appeals Court rejected an appeal) cost \$12,000. On April 23 the natl. comm. asked for funds through the mail. The response was immediate. Some sent \$5 bonds, some sent pay checks, others jewelry. In a week, contributions and loans, the committee had \$61,200.

When the committee in 1951 to the GUARDIAN and elsewhere asked for signatures to a friend-of-the-court brief in behalf of the Rosenbergs, 10,000 signed. The committee hopes to have 100,000 to try before the Supreme Court.

The legal timetable requires the defense to apply by June 7 for a Supreme Court hearing. The justices are expected to return for the summer shortly afterward and may not consider the case until the fall term.

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Chicago Tribune

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THE LAW

Rosenberg plea filed with Supreme Court

EMANUEL Bloch, attorney for Ethel and Julius Rosenberg who are under death sentence as "atom spies," filed June 7 a petition asking the Supreme Court to review on six grounds:

- That the espionage statute under which they were convicted is unconstitutional.
- That though the trial was for conspiracy to commit espionage, it was conducted like a treason trial without the constitutional safeguards (two witnesses to overt acts) guaranteed in such trials.
- Misconduct of the judge.
- Injection of the "communist" issue (defendants' statements on the capitalist and socialist systems) without any evidence either that they were CP members or that, if they were, they subscribed to alleged "subversive" policies of CP leaders.
- Acceptance of Elizabeth Bentley's testimony that someone phoned her saying "I am Julius," without any identification of the voice—placing an inflammatory stigma on defendants as associating with a spy.
- That the death sentence was cruel and unusual punishment and was a political sentence, to enforce an official policy not existing at the time of the alleged crime.

At the earliest, a decision as to whether the conviction would be reviewed could be expected in October when the court reconvenes. The Rosenbergs will pass another summer in Sing Sing death house.

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The Rosenberg Memorandum
NEW YORK, N. Y.

As one who had protested to the ACLU on their non-intervention in the Rosenberg Case, I received a copy of Herbert Monte Levy's astounding Memorandum and I wholeheartedly subscribe to your excellent reply published in the GUARDIAN May 29. But I would like to bring out one point you omitted. On the second page (b) it reads:

"The crime of atomic espionage was a different crime from that of treason and there is no reason why the legislature could not have created such a crime and made it punishable by death. It was agreed that the legislature could always create crimes. . . ."

Article I, Section 9, of the Constitution of the U.S. reads: "No Bill of Attainder or EX POST FACTO LAW shall be passed." To make it perfectly clear that the "created" law was ex post facto, (a) on page 2 contains the statement:

"... Congress may well have had reasons for concluding that unauthorized disclosure of atomic secrets, even to a friendly country, warranted the death penalty."

So it is not merely the Bill of Rights that the ACLU repudiates, it repudiates the basic Constitution.

Margaret A. Fellows

NEW YORK, N. Y.

These are excerpts from an open letter to the Board of Directors of the ACLU:

I joined the ACLU and support its activities because I consider it one of the leading organizations in the fight for the presentation of liberties and civil rights of all people, regardless of their race, creed, color or political beliefs. The Union has always thoroughly studied a situation or case before taking a position in the matter.

I was therefore shocked and dis-

turbed to learn that a "memorandum" on ACLU stationery was circulated by the American Jewish Congress concerning the Rosenberg Case. Said memorandum also bore the name of Herbert Monte Levy, Staff Counsel of the Union. Even from the limited reading of the official reports and decisions in the Rosenberg Case, I find that there are many discrepancies in the memorandum, which discrepancies could easily have been overcome or corrected had there been the usual careful study of the case by the Union. William S. Chereyas

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Court decision on Rosenbergs near

Bottomless remorse and restless conscience will avail us little, if the Rosenbergs die. I can conceive no more "important" campaign than to save them; no more proof to the world of the purity of our purpose; and the seriousness of our charge against the enemies of man... than to mass our strength and our courage, for the liberation of Ethel and Julius Rosenberg.

Nan Pendrell

OCTOBER may be the month of decision in the Rosenberg Case. The Supreme Court is expected to hand down its decision on the appeal which was rejected by the Court of Appeals last spring. Leonard Lyons, syndicated columnist who has in the past announced court decisions in the case before they were made public, set the date for the high court decision at Oct. 13. If the decision is adverse, only Presidential action can save the two.

Aware that only popular pressure will turn the tide, the Natl. Committee to Secure Justice in the Rosenberg Case has set the week of Oct. 19-26 as Rosenberg Week, has asked local committees and sympathizers to seek new names for the Friend-of-the-Court brief, talk up the case at union and lodge meetings, write letters to newspapers and to congressmen. Thus far the committee estimates it has reached 1,000,000 persons throughout the U.S. since it was organized a year ago.

L.A. TO PARIS: In Los Angeles last week 1,500 persons jammed the Embassy Auditorium at a Rosenberg defense rally and contributed \$3,000. Each member of the audience agreed to get 10 names for the brief within three days, two new members for the local defense committee.

A mass meeting will be held in Paris at the end of the month. The case has been front-page news in England, Scotland, Switzerland, Mexico and China. Defense committees have been organized in several of these countries.

The natl. committee has suggested that Jewish New Year's greetings (Rosh Hashana was Sept. 20) be sent to the Rosenbergs and to Morton Sobell, their co-defendant who received 30 years. The addresses:

Julius and Ethel Rosenberg, 354 Hunter St., Ossining, N.Y.
Morton Sobell, 427 West St., New York, N.Y.

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CALENDAR

Los Angeles

COMMITTEE FOR ROSENBERG CASE meets every Monday night, 8:30 p.m., at Park View Manor, 2200 W. 7th St. Join us in our fight to free not only the Rosenbergs and Morton Sobell, but for freedom for all peoples.

Oakland-Berkeley

SIDNEY ROGER - ASP FORUM. Noted liberal commentator analyzes news. Audience discussion. Every TUESDAY night, 8:15 p.m. Donation 50¢. New ASP Gallery, 5919 Grove, Oakland.

Wisconsin

VINCENT HALLINAN will make two appearances in Wisconsin. Don't forget the dates and places: Oct. 31—Eagle Hall, Madison; Oct. 32—Odd Fellows Hall, 745 N. 10th, Milwaukee. Also: Oct. 33—Minneapolis, Minn. Oct. 34—Duluth, Minn.

Madison, Wisc.

VINCENT HALLINAN will speak in Madison, Sat., Oct. 31, 7:30 p.m., at Eagles Hall. Auspices: Dane County Progressive Party of Wisconsin.

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is this ESPIONAGE — or a

(Government's Exhibit for identification received in (No. 1739) evidence.)
Mr. Saypol: May I read the label to the jury?
The Court: Yes.
Mr. Saypol: Will it be conceded that this is a card commonly used by solicitors for contributions?
Mr. E. H. Bloch: I will concede.
Mr. Saypol: And this can read, on the label, "Spanish Republican Child, Voluntary, 102 Lexington Ave. Joint Anti-Fascist Refugee Committee, 102 Lexington Ave. New York 17, N.Y." and there is a notice on the back, "saying that the City of New York permits there to be used for solicitation."
By Mr. Saypol:
Q. So that perhaps you did a little more than just contribute?
Mr. E. H. Bloch: Just second, if your Honor please.
Q. To that?

1180
Q. Who invited you to join it?
Mr. E. H. Bloch: I object to that.
A. I don't remember.
Q. How did it first come to your knowledge?
A. Somebody solicited my membership.
Q. Who was that somebody?
A. I don't remember.
Q. Is that somebody perhaps a member of the Communist Party?
A. I have no idea, no.
Q. Where were you solicited?
A. I don't recall.
Q. How many years have you been a member?
A. I don't know how many years I have been a member.
Q. What kind of insurance do you have in that office?
A. I hold \$5,000 life insurance.
Q. Where is the policy?
A. The policy?
Q. Yes.
A. In my home.
Q. Whom do you send premiums to?
A. To the secretary of the Lodge.
Q. Where is his office?
A. I send it to his home address.
Q. Where is that?
A. Somewhere in Brooklyn. I don't remember.
Q. You mean you pay the insurance to the secretary of the Lodge at his home?
A. Well, he enters the insurance at the office.
Q. Hasn't the International Workers Order a headquarters, an office, a business office?
A. I guess it does.
Q. Where is that?
A. I don't know, sir.
Q. You say the policy is at your home?
A. The policy for myself and my wife is at my home.

Photostat
excerpt
from the
transcript
of the
Rosenberg
Trial

cc/B

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- The "loyalty" questions put to the jury by the Judge.
- The testimony of a brother who sent his sister to the death house.
- The admission by Elizabeth Bentley and Harry Gold that they had never heard of Ethel or Julius Rosenberg or Morton Sobell.
- The Rosenbergs' refutation of the charges against them.

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Please send me copies of the Trial Record in the
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(Please ship it C. O. D. ☐ Please bill me ☐)

Checks may be made out to Joseph Brainin, Chairman

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CALENDAR
Los Angeles

COMMITTEE FOR ROSENBERG
CASE meets every Monday night,
8:30 p.m., at Park View Manor, 2209
W. 7th St. Join us in our fight for
free not only the Rosenbergs and
Morton Sobell, but for freedom for
all peoples.

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Court getting 2nd Rosenberg petition

AS ATTORNEY Emanuel Bloch prepared to present a second petition to the U.S. Supreme Court for a review of the conviction and death sentence of Ethel and Julius Rosenberg, ever-widening support was coming in from all over the world.

Bloch was to present his argument Oct. 28. The same day an amicus curiae brief, signed by 50,000 Americans, including persons prominent in every field, was to be given to the court by Joseph I. Brainin, chairman of the Natl. Comm. to Secure Justice in the Rosenberg Case, and Rev. Amos Murphy of Boston.

In New York thousands were expected at a mass rally Oct. 29 in Union Sq. A meeting in a Central Plaza hall holding 900 in the lower East Side (Oct. 23) overflowed into another hall nearly as large. By 10 p.m. the second hall had overflowed. At the meeting Dr. W. E. B. DuBois said:

"The significance of the Rosenberg case reaches beyond the fate of two individuals, fragile as that may be. It becomes a part of the great peace crusade. In the midst of war and fear of war we do unbelievable things, we rush to lying, slander and hate because we fear what war will do to us and ours.

"This is the reason why here in a nation born in peace and justice, we are almost without protest committing crimes against humanity, against elementary civil rights, against every ideal of democracy. The public opinion which crucifies a father and mother in the prime of life is based on the abject fear of disaster to the whole nation. But fear is not fact, and ignorance to commit an unforgivable crime in the name of a greater crime is no excuse."

The Rosenberg committee urged continued action:

1. Wires and letters to President Truman asking him to act to save the Rosenbergs.
2. Requests to friends and shopmates to do the same.
3. Requests to unions, churches, synagogues, auxiliaries and social clubs to write or use the White House.
4. Contributions to the committee, 3000 6th. Av., New York 18, N. Y.

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REPORT TO READERS

**Rosenbergs' last chance:
 clemency from President**

THE REFUSAL of the U. S. Supreme Court to review the "atom spy" convictions and death sentences of Julius and Ethel Rosenberg mandates a course of immediate action by every reader of this paper—by every individual organization and political group we can reach.

From every quarter there must come to the White House an overwhelming appeal to President Truman to commute the savage sentences—to extend executive clemency to these two unoffending young American parents, now facing death within 30 days because of the impossibility of a fair trial and even-handed justice in an atmosphere poisoned by war hysteria.

When their lives have been saved, the fight can go on to vindicate them completely; to show them absolutely innocent of any and every charge lodged against them—indeed, of any wrongdoing other than to oppose in thought, word and deed designs of warmakers against future generations.

THE DECISION to let the Rosenberg convictions stand without review comes at an ironic moment in the careers of some of their tormentors.

In New York, a State Crime Commission probe into connections between gangsters and politicians has just come up with new disclosures of corruption in high places. Witnesses have named the Rosenberg prosecutor, Irving Saypol (now a New York Supreme Court justice), and U. S. Atty. Myles J. Lane (who successfully opposed the Rosenbergs' appeal in the Circuit Court), among a gallery of political figures enjoying what the N. Y. Times calls "all-embracing" friendship with one Thomas Lucifese, alias Three Finger Brown, underworld heir apparent to the notorious Frank Costello as lord of New York's dope, gambling and other rackets.

You can and must see to it that final judgment of peace-loving American parents such as Ethel and Julius Rosenberg shall not be made by such as these.

—THE EDITORS

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The Rosenberg Case

BROOKLYN, N. Y.

When the Rosenbergs and Sobell were on trial, from the press accounts I believed them guilty. Never letting myself be dominated by the hysteria that controls this land, I was against the death sentence. To my mind, all they did was illegally aid an ally in wartime.

When I read William A. Reuben's articles in the GUARDIAN I became doubtful of their guilt. After the Court of Appeals upheld their conviction, I noticed that the facts presented in the N.Y. Times and N.Y. Mirror on the case were different. Out of curiosity, I went to the Federal Courthouse at Foley Square to see if I could read the record. I couldn't get it.

After that I read Oliver Pilat's article in the Anti-Defamation League Bulletin of March, 1952, and Mr. Pilat's book The Atom Spies. Both, I find, were distortions of the Rosenberg Committee's purpose: the biggest lie being (and still accepted) that the Rosenberg Committee was trying to convince people that the Rosenbergs were convicted because they were Jews.

I attended a few public rallies and soon after I became a volunteer worker on the Rosenberg Committee. Thereafter I read the trial record. I am now firmly convinced that the Rosenbergs and Sobell are innocent.

Irving Schuchter

Bolander at work

BALTIMORE, MD.

Here's an inside story on the Rosenberg Case vs. Supreme Court: On the day The Sun printed that the Supreme Court had ruled to not review the case, I called them, raising holy terror, and asked them to give me a story. I enclose questions that I propounded to them. Edwin Young, the edit.r, told me: "Mr. Bolander, every lawyer in the country is asking the same questions. It is easily the most discussed issue in the country today. I will send a reporter, you give him your story." A reporter came, got the story, but this time no d'c. However, I think it did some good as it added my word to the thousands upon thousands of protests.

H. H. Bolander

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D. N. Pritt analyzes the record of the Rosenberg 'atom spy' trial

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~~JENNIS~~ **JENNIS NOWELL PRITT**, author of this brilliant analysis of the Rosenberg trial, is one of the veteran senior members of the English Bar: a Queen's (King's) Counsel since 1927. For many years a Labour MP and chairman of the Howard League for Penal Reform and the Bentham Committee for Poor Litigants, he presided in Sept., 1933, over the Reichstag Fire inquiry in London. The inquiry—unlike the Berlin trial—considered the evidence soberly, indicted Goering whom the world now knows to have been the real incendiary.

In presenting his analysis, Mr. Pritt writes: "I must state my qualifications for this work. In my 43 years as an English barrister I have had considerable experience both in trial and in Appellate work. In the latter, I have had to study in detail many hundreds of Records of cases from all parts of the British Empire and Commonwealth, including India, in all of which countries the procedure is very similar to that of the U.S.A.; and I have studied also a certain number of Records from the U.S.A. itself. To form an estimate of the value which the evidence given in the Rosenberg case should possess in the eyes of impartial lawyers trained in Anglo-Saxon legal traditions, is thus work of the sort to which I have devoted a large part of my time as a barrister:

"I have studied the Record carefully, putting aside as far as humanly possible anything I had previously learned about the case, and have reached certain conclusions about both the conviction and the sentence, which I will state fully, with my reasons for these conclusions."

THE indictment on which Julius and Ethel Rosenberg were tried was returned on Jan. 31, 1951, against five defendants in all—the two Rosenbergs, one Morton Sobell, one Yakovlev, and one David Greenglass. Greenglass pleaded guilty. The two Rosenbergs and Sobell pleaded not guilty and were tried together, the case of Yakovlev being severed.

The charge was that the five defendants named, together with one Harry Gold, one Ruth Greenglass, "and other persons unknown," had conspired over a period of six years, from June 6, 1944 to June 16, 1950,

the U.S.A. being then and then at war, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit the U.S.S.R., to communicate, deliver and transmit to a foreign government, to wit the U.S.S.R., and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the U.S.A.

It is well to explain at the outset what is the essence of the crime of conspiracy and why a charge of conspiracy to commit some crime or other is so frequently made, in lieu of a charge that the crime was actually committed. "Conspiracy" can be defined, sufficiently for present purposes, as an agreement between two or more people to commit a crime; it is itself a crime, and the crime of conspiracy is complete as soon as two or more persons have agreed in any way whatsoever, whether formally or informally, by words or by conduct, to commit some crime; it is not necessary for the prosecution to prove the commission of the ultimate crime nor even of acts amounting to an attempt to commit it.

It is thus in general easier to secure a conviction for conspiracy than for any other offense, for less has actually to be proved against the defendants; and prejudice or excitement may lead a jury to convict parties on a mere allegation that they agreed or arranged together to do something, under circumstances where, if it were necessary to prove some positive criminal act, the jury would have to acquit because there would be no evidence at all of any such acts.

To secure a conviction is moreover made easier still by the operation of a peculiar rule of evidence. In all normal cases no evidence can be given against any defendant in a criminal case except evidence of acts which he himself did or words which he himself spoke; but in a conspiracy case, so long as some evidence—however tenuous—is given from which an agreement between the alleged conspirators might be inferred, the acts and words of any of them, asserted to be done or spoken in pursuance of the conspiracy, are admissible evidence against all the others, on the footing that they are all agents of one another, and so responsible for each other's words and actions.

The Rosenbergs' 12 'overt acts'

It is little wonder, in the circumstances, that in all periods of tension, in all countries, charges of conspiracy have been frequently made, and many defendants have been found guilty and sentenced to imprisonment, although little has been proved against them and no other crime could plausibly even be charged. The dangers, inherent in conspiracy charges, of convictions being reached on inadequate evidence are indeed so well recognized that the rule has been firmly established in most Anglo-Saxon jurisdictions, including that of the Federal Courts of the U. S. A., that "overt acts" demonstrating the conspiracy should be alleged in the indictment and proved.

Such overt acts are normally alleged pretty specifically, so that the defendants can really know what case they have to meet—and indeed, also, that the public may know the nature and weight of the case. I turn accordingly to study the twelve overt acts mentioned in the indictment in this case. They are in substance as follows:—

- That Julius Rosenberg visited a building in Washington, D. C., on or about June 8, 1944,
- That on or about Nov. 17, 1944, Julius Rosenberg and Ethel Rosenberg talked with Ruth Greenglass,
- That, five days later, Julius Rosenberg gave Ruth Greenglass some money in New York,
- That on the same day, Ruth Greenglass took a train from New York to Mexico,
- That, three weeks later, Julius Rosenberg went to a building in New York.

• That on the same day Julius Rosenberg received from Ruth Greenglass a paper containing written information.

• That on or about Jan. 5, 1945, in New York, Julius and Ethel Rosenberg talked with David and Ruth Greenglass.

• That, on the same day, Julius Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Jello" box.

• That five days later Julius Rosenberg introduced David Greenglass to a man in New York.

• That two days thereafter Julius Rosenberg talked with David Greenglass.

• That on the same day Julius Rosenberg received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.

• That, two days after that, David Greenglass took a train from New York to New Mexico.

It will be noticed that the not very informative "overt acts" of this six years' conspiracy are spread over, or rather confined to, a period of only seven months, and that the only persons named as taking part in them are the two Rosenbergs and David and Ruth Greenglass; the defendants Sobell and Yakovlev are not mentioned. It is not surprising that applications were made to the Court on behalf of Sobell for some enlightenment as to what was alleged against him; and it was finally alleged that

he had joined the conspiracy on or about June 15, 1944, and five overt acts were alleged against him, namely that at some time in five separate months of 1946, 1947 and 1948, he had conversations with Julius Rosenberg!

The witnesses: who, what, why?

THE trial took place before Judge Irving R. Kaufman on 14 days in March, 1951. The prosecution put in a list of 112 witnesses, but in fact called only 22 of them, and one other.

The strength and weakness of the case depends, of course, on these witnesses, on their characters, on what they said, who they were, and what motives or interest they had; and it is thus of the greatest importance to know clearly all these points and to see exactly:

(1) What sort of a reliable case all witnesses between them were able to build up to establish that the Rosenbergs were guilty at all, and

(2) How serious anything was that the Rosenbergs were alleged to have done—and, above all, of course, whether what they had done merited the death penalty.

I turn at once to the evidence, adding only that, as I am dealing with the cases of the Rosenbergs, I will pay little attention to evidence which implicated only other persons, including Sobell, the only other person actually on trial with them.

Greenglass: 'terrible incentive for lying'

THE principal witness against the Rosenbergs was David Greenglass. There were an unusually large number of reasons for mistrusting his evidence. To begin with, he had pleaded guilty to the conspiracy for which the Rosenbergs were being tried, but had not yet been brought up for sentence; thus, he might hope, and he expressly said that he did hope, to obtain some advantage for himself as a result of giving evidence against the Rosenbergs: for the Court might ultimately give him a light sentence, and even if it gave him a substantial one, the Government might well remit much or all of it. He thus had a strong motive to "pile it on." In addition, he was, of course, fully established by his plea of guilty, by his evidence, and by surrounding circumstances (such as his possession of substantial sums of money which could only be explained on the basis that he was telling the truth when he said that he was selling military secrets for money), to have been a party to a conspiracy which both he himself and the prosecution described as a most serious one.

He thus fell into the class of "accomplice" witnesses, those who, in the old English phrase, "turn Queen's evidence." Such witnesses are universally regarded as highly unreliable, not merely because they are self-confessed criminals, and are betraying their associates, but far more because it is dangerously easy for

them to implicate falsely, for some benefit to themselves, or to pay off some "score," or for any other reason, one who in fact took no part in the crime.

They are in a position to tell a story that is in the main true, and thus much easier to tell without being exposed as a liar in cross-examination; but at the same time to insert into that story one limited but serious falsity, namely, the assertion that some accused person took part in it when in fact he had nothing to do with it; and, if anything could make this easier, it would be that the accused was related to the accomplice so that it would be natural for them to meet from time to time.

Accomplices, moreover, as I have mentioned shortly above, have in many cases a very direct motive for implicating the accused persons as deeply as possible, for they hope to receive as a reward of their betrayal of their associates, and for their help in proving an alleged offense which could not be otherwise proved at all, either a lighter sentence from the Court, or some remission by the Government of whatever sentence is passed on them, or both. This provides so terrible an incentive for lying, and so great a danger of convictions on untrustworthy evidence, that in practically all of the many hundreds of cases of "accomplice evidence"

which I have had to investigate in my practice the danger has been minimized either by giving the accomplice a free pardon before he gives evidence, or by sentencing him before he does so; and even then the need for corroboration of his evidence by independent witnesses, free from the taint of complicity, is always emphasized.

As an accomplice witness, David Greenglass was in the worst possible position: he had been neither pardoned nor sentenced, and he knew that so soon as the cases of the Rosenbergs and of Sobell had been disposed of he would come up for sentence. When he did come up, his Counsel made an eloquent and business-like plea to the effect that, unless people in his position could have some confidence that they would be dealt with leniently, they would not betray their associates, and the Government would therefore not secure convictions. If the Government wanted help it should give help. It should give Greenglass "a pat on the back": he should be praised, not punished, said his Counsel. Greenglass was, however, given a sentence of 15 years' imprisonment and his only chance of not serving this fully lies in the hope of leniency from a grateful government.

'To save his own skin'

THE peculiarities of David Greenglass as a witness in this case do not end with this already formidable circumstance. For it has to be added that Ethel Rosenberg, whom he was thus pushing towards a sentence of death, was his own elder sister who had always befriended and helped him; and Julius Rosenberg, whom he was treating in the same way, was her husband and thus his brother-in-law. To save his own skin he was quite willing to give evidence against his sister and his brother-in-law. (It was also clear, if not perhaps very important, that there had been long disagreements between him and Julius Rosenberg over a business in which they were partners after his demobilization from the army, which eventuated in his instructing his lawyer to bring civil proceedings against Julius.)

Not was that quite all: for Ruth Greenglass, named in the indictment as a party to the conspiracy, for some unstated reason not actually indicted, but standing in peril of being indicted at some subsequent time, was David's wife, and he professed to love her dearly. Nevertheless, in the course of the many interviews he had with the FBI, in which he told bit by bit, as he remembered it, the whole of his story, he betrayed in the very first interview the full tale of his own wife's participation in the conspiracy in which he himself, at any rate, was taking part. With such an equipment, David Greenglass might be regarded as a man on whose evidence it would not be safe to convict anyone, but his evidence must of course be examined.

His version of how he came to take part in the conspiracy

was that his wife went down from New York to the neighborhood of Los Alamos, where he was working as a machinist, to take him a message—as she alleged—from Julius Rosenberg, inviting him to take part in espionage, and that by the morning of the following day he had decided to do so! And, at a later stage, when according to him Julius Rosenberg warned him that he was in danger of arrest and ought to leave the country, he accepted from Rosenberg sums amounting to \$5,000 in cash to enable him to do so; he stated on oath that he never had any intention of leaving, and that he concealed his intention from Rosenberg but nevertheless accepted and retained the money. He had, he added, such a distaste for the money that he wanted to flush it down the lavatory, but changed his mind and used it to hire Mr. O. John Rogge as his lawyer instead.

'No sort or kind of corroboration'

THE nature of his evidence against the Rosenbergs lent itself to no sort or kind of corroboration. It consisted of accounts of conversation with them, at which no third party was present, and of occasions on which he said that he furnished to the Rosenbergs sketches and written descriptions of processes and material objects such as lenses.

None of the alleged sketches or descriptions was produced, but Greenglass prepared—four or five years after the alleged incidents, from his own unaided memory—what he said were reproductions of the material, and these were put before the jury. Whether his limited education made it possible for him to do anything of this sort accurately is a matter for scientists rather than lawyers; but from the point of view of a lawyer it can be said that such reproductions, from even the most reliable of witnesses, would add little or nothing to their evidence and could not in any way constitute corroboration.

I pass over a number of minor points in his evidence which were designed to implicate one or both of the Rosenbergs, because examination of all of them shows that there is nothing in them to constitute any corroboration of his story; and it remains true that not one word of his story against them was corroborated by anybody but his wife, nor by any circumstance or material object.

It is my considered professional opinion that a conviction based upon such evidence from such sources, without independent corroboration, cannot be regarded as reliable and should not be sustained. That not merely a conviction but a sentence of death should be based upon such evidence runs counter, in my opinion, to all normal standards of criminal procedure and of the administration of justice. I have myself appeared in many "accomplice" cases where convictions on evidence much less objectionable than this were set aside by appellate courts on the grounds that the accomplice evidence should not be accepted.

Importance of 'secrets' never shown

SHOULD add that, even if the evidence were regarded as providing a reliable basis for conviction, there would still be lacking, in my humble opinion, any good reason for imposing or upholding a death sentence. Such a sentence could surely only be justified if it were clear that the secret information involved was of the utmost importance.

Scientists may be able to express expert views on the value or absence of value of what the witness, David Greenglass, alleges that he communicated to the Rosenbergs, and, in particular, to tell us whether the information was old or new; whether it revealed or conveyed what is called "the secret of the atom bomb"; whether it was of such a nature that a foreign country which could not have developed the atom bomb without it was thereby enabled to do so; and, finally, whether David Greenglass was sufficiently educated technically to be able to understand, remember and communicate it; all that a lawyer can say upon it is that there is no real evidence in the Record to show that it was of very great value. In general, in charges of espionage, there is expert evidence to show exactly why the information is important; but in the present case only two scientific witnesses gave evidence on this topic, and they said little. The evidence of the first of them, a Dr. Koski, read as a whole, constitutes no proof at all that there was any particular importance in what David Greenglass learnt; it shows merely that the information was secret and that an expert, seeing what Greenglass alleges he had taken, "would know what was going on at Los Alamos." The other witness, a Mr. Derry, stated that the description and the sketch given by Greenglass "related to the atom bomb which was in the course of development in 1945," and "demonstrated substantially and with sufficient accuracy the principle involved in the operation of the 1945 atomic bomb"; and, further, that an expert could perceive from this information, to a substantial degree, what the actual construction of the bomb was. He added that the information was classified as "top secret"; but he said nothing as to how many people already knew as much, or how easy or how difficult it would be for other people to find it out by their own researches; he said, indeed, nothing more specific than that, so far as he knew, no foreign government other than those of Britain and Canada knew as much in 1945 about the development and structure of the atomic bomb as the American scientists knew. Another witness, a Mr. John Lansdale, Jr. was also asked "to establish the authenticity of the information that Greenglass gave"—i.e., said he gave—"to Rosenberg," but after a discussion between Counsel and the Judge the question was abandoned.)

Accordingly, while scientists can plainly make more effective comment than I can on this part of the evidence, I can assert as a lawyer that there was nothing in it to show that the information which David Greenglass claimed to have communicated to Julius Rosenberg was of any especial value or danger, such as to justify on any view the death penalty.

David Greenglass's wife, Ruth, whose position has already been explained, also gave evidence, which followed pretty closely that of her husband, and is equally devoid of any corroboration. It does not call for separate study; her hopes and fears for herself

and her husband, her readiness to confess to crimes, and in implicit faith in that crime, do not differ from her husband's. In a sense, she can be said to corroborate her husband's story; this could not be regarded as independent corroboration.

Witness who was 'scared to death'

THE evidence of the two Greenglasses was almost the only evidence against the Rosenbergs; but it is necessary just to examine what other evidence there was. I begin with Max Elitcher, a man who had worked in the Bureau of Ordnance of the Navy Dept. He was mainly a witness against the other defendant, Sobell, but he did say that on three occasions Julius Rosenberg asked him to obtain confidential information for him for Soviet purposes. He said, however, that he had not done so; and it is noticeable that none of the "overt acts" alleged against the Rosenbergs in the indictment covered the interview related by Elitcher; he said, moreover, in cross-examination, that two of his three meetings with Rosenberg were merely social.

Elitcher made it quite plain that he himself was an accomplice. As he said, "I was part of it." He admitted, too, that he had told lies under oath, and that, being "scared to death," he had told the FBI "everything he knew"—although he had lied to them too—in the hope that he might "come out the best way" and that "nothing would happen to him." For some unexplained reason, he was neither indicted nor even mentioned in the indictment as a co-conspirator. It is obvious that his evidence can add practically nothing to that of the Greenglasses; it is of little volume and of almost equally poor quality.

Of the remaining 17 prosecution witnesses, only four gave evidence of anything the Rosenbergs were alleged to have said or done. Dorothy Abel, the sister of Ruth Greenglass, gave evidence that she had once been asked to leave the room whilst her sister talked with Julius Rosenberg and that the latter had once in her presence praised the Soviet system and described the U. S. A. as "capitalistic"! A Dr. Bernhardt, Julius Rosenberg's physician, proved that Rosenberg asked him in 1956 what inoculations were needed for anyone entering Mexico. Two other witnesses, a Mrs. Cox and a Mr. Schneider, gave evidence "in rebuttal," after the close of the defendants' case, about the Rosenbergs on points that may fairly be left unmentioned as trivial. The remaining 13 witnesses either gave no evidence at all that bore on the Rosenbergs, or merely mentioned their name as hearsay.

Thus, the prosecution case against the Rosenbergs rested on the evidence of three persons, two of them husband and wife, and all of them unreliable as accomplices and for other reasons too. There was no corroboration of their story by any independent witness; no detective or other police official, let alone any member of the general public, was called to say that either of the Rosenbergs had ever said or done anything in their presence or hearing. Notwithstanding police searches of their home, no line of writing of any kind that they had ever written, received, or even seen, was adduced. There was nothing of any kind in evidence against them except what the two Greenglasses and Elitcher had said. I am unable to believe that, if the case had not involved political topics or had not been heard at a period when hysteria and prejudice played so strong a role, evidence so weak would have been put forward by the prosecution in any country in the world which followed the Anglo-Saxon traditions and procedure. I think that under those conditions any Court would almost certainly have withdrawn the case from the jury. But this case was allowed to go to the jury and the Rosenbergs were not only convicted but were sentenced to death.

The Rosenbergs, who at every stage asserted their innocence, gave evidence and called two other witnesses; these latter dealt with points which can fairly be registered as unimportant. In a study designed to examine the strength or weakness of the prosecution case which the jury accepted, what the Rosenbergs themselves said is not of quite such importance as what the prosecution did or did not prove; but it remains true that they did give evidence, being of course submitted to cross-examination and answering fully and consistently everything that was alleged against them. Nothing was established against their character, unless it be that they had talked of the Soviet economic system, had thought that the Soviet Union was at one stage bearing the brunt of the Second World War, and had had in their possession a collecting box for Spanish refugee children.

Judge's 'very shocking' comments

MUST say a little about the conduct of the trial. The prosecution, both in the opening statement of the prosecuting attorney and throughout the evidence, repeatedly made play with the alleged Communist connections of the Rosenbergs; the usual "warning" was given that of course communism is not evidence of conspiracy or of espionage, and was immediately nullified by the assertion—wholly unproved—that Communists are more likely to commit espionage than other people. The atmosphere of the case, as one can see from the observations in the Record alone, was indeed such that the mere suspicion of communist affiliation was almost enough of itself to make conviction certain. Much the same comment must be made about questions and assertions on the point that the information was alleged to have been obtained on behalf of the Soviet Union, and indeed on any suggestion of any kind in favor of that country or of anything in it. I get from the Record the impression that both communism and the U.S.S.R. were such "red rags to a bull" that the bare mention of them, whether justifiable as relevant to the charges or not, of itself made it extremely difficult to secure a fair and judicial consideration of the evidence, or of the case generally.

From a purely English point of view, it is noticeable that the trial judge at times treated the defense counsel with considerable abruptness and discourtesy, and at almost all stages of the cross-examination of the main prosecution witnesses, was harrying them to cut short their cross-examination.

The last and perhaps the most serious comment I have

(Continued on Page 6)

D. H. Hill's analysis

(Continued from Page 5)

make turns the observations of the judge when passing sentence. Having regard to what little evidence of any kind had been given against the Rosenbergs, it is very shocking to a lawyer brought up under the Anglo-Saxon system, in which judges should deal with what is proved in evidence and nothing else (apart from the very narrow field in which judges may take "judicial notice" of indisputable facts, like the days of the week and the seasons of the year), to read some of the statements made by the judge when passing sentence, presumably by way of expressing his reasons for deciding to impose the death sentence instead of sentence of imprisonment.

To begin with, it should be noticed, although it is far from being the most seriously objectionable of his remarks, that he made somewhat extravagant comments on "Russian terrorism" and on the administration of justice in the U.S.S.R.; he said, in short, the sort of things that one is accustomed to read in the more irresponsible newspapers, things which some of the less thoughtful readers may be led to believe. One might have hoped that persons holding high judicial office would have been less gullible; but in any case, these observations, made by the judge of an important court when passing sentence of death, were not merely inaccurate; they were unsupported by any evidence and were wholly irrelevant. That the judge behaved in this way may indicate that anti-communist and anti-Soviet hysteria has gained such ground for the moment in the U.S.A. that it is difficult if not impossible to secure a fair and dispassionate trial of a political case involving either communism or the U.S.S.R.

Duty rests on world public opinion

BUT these remarks by the judge are, alas, not the worst part of the matter. He went on to treat the case as if the information which the Rosenbergs were said to have communicated to the U.S.S.R.—of the value of which, as I have already men-

tioned, there was no real evidence—had been established to be of the most fundamental importance. He began, for example, with the assertion that what the Rosenbergs had done "has already caused, in my opinion, the Communist aggression in Korea" (about which, of course, there was once again no evidence.) He went even further and based his determination on sentence on the wholly unproved assumption that the Rosenbergs had obtained from David Greenglass and given to the U.S.S.R. just the vital information that enabled that country to develop the atom bomb, which it could not have achieved without that information. The Rosenbergs had thus, as he put it, "altered the history of the world" to the injury of the U.S.A. (Incidentally, although it could have been alleged in the indictment that the conspirators had acted with intent to injure the U.S.A., no such allegation was pleaded.)

I am forced to the conclusion that, even if the conviction of the Rosenbergs had rested on reliable evidence that they had conspired to obtain some information, any sentence expressed by the judge to be based on such inaccurate and unproved assertions as to the importance of the information would have to be set aside on appeal under any procedure which provided for a free review of the sentence by an Appellate Court.

Unfortunately, the procedure applicable to this case does not provide for such a review, any more than it provides for a consideration of the credibility of the witnesses or the reliability of the evidence. Were the procedure different, it may well be that the whole matter would have been disposed of already. But there is, in effect, no appeal at all to any court from either of the two main defects of this trial, namely, the unreliability of the evidence and the gravely excessive sentence.

The duty of securing a review on these points thus rests on public opinion through the world. After full study, for the reasons which I have expressed above, I must express the view, from a purely professional standpoint, that it would offend against all Anglo-Saxon standards of justice that the convictions, let alone the sentence, of the Rosenbergs should be allowed to stand.



D. N. PRITT, Q.C.

ETHEL & JULIUS ROSENBERG



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REPORT TO READERS

Thanksgiving, the Trenton Six, the Rosenbergs, you and us

IN THIS THANKSGIVING SEASON, we of the GUARDIAN staff give special thanks for the opportunity afforded us four years ago to bring to national and world attention the frame-up of the Trenton Six; and similarly in the Rosenberg Case in 1951-52.

The victories won in the Trenton Case—which the whole U. S. press ignored when we took it up in 1948—indicate what the people can do to right injustice when they can get at the facts. It has taken more than four years, but now the score is that four of the Six who were condemned to death are free and a new trial has been granted the other two (see p. 1)—with every indication that they, too, will go free. Thus the spark set off by the original GUARDIAN stories on the case, kindling indignation and protest all over the world, is winning the most notable victory of its kind since the Scottsboro Case.

AN EVEN GREATER WORLD PROTEST, in a much shorter time, is mounting over the Rosenberg Case—on which the nation and the world first learned the real facts from last year's GUARDIAN series by William A. Reuben, our reporter who uncovered the Trenton frame-up.

Although little time remains, we are confident that this mounting protest can save the lives of the Rosenbergs—and that time will bring them vindication as it has the Trenton Six. What we can do further to help stimulate the mass appeal for clemency is outlined on p. 4.

WE ARE THANKFUL, then, for the part we have been privileged to play as newspaper men and women, in the fight for justice in these two cases. But above all we are thankful for the kind of readers we have—who when they get the facts will re-broadcast them, initiate protests, finance the causes and redouble the effort if the going seems bad.

We have tried to say some of these things in a letter to those of you who are subscribers—a letter asking your renewed support of the GUARDIAN for '53 as a reader, and a little bit extra because we frankly can't continue on our subscription income alone.

We hope you will answer this letter of ours this year, planning to stick with the rest of us for '53 and to continue as in the past to bring our paper and the cause it espouses to new recruits every week and month.

WE ARE COUNTING ON YOU, just as the causes of peace, justice and democracy are counting on you if they are to be mailed down for the future.

We believe we already know your answer, but won't you tell us by mail—this week?

—THE EDITORS

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The Rosenbergs, 3-Finger Brown and U. S. Justice

By Elmer Bendiner

IN a brief raising of the curtain last week on federal justice in the witch-hunt era, the U. S. attorneys who sent the Rosenbergs to the death-house and Alger Hiss to jail—and the one currently trying Communist Party leaders in New York—were shown to have more in common than zeal against "subversives." They share a friend: Thomas "Three Finger Brown" Luchese, identified in N. Y. State Crime Commission hearings as Frank Costello's successor as "co-ordinator of rackets in the N. Y. area." These were highlights of the story that emerged:

- IRVING SAYPOL—who became U. S. Atty. after assisting in the first N. Y. trial of CP leaders, won a death sentence for the Rosenbergs and then was made a judge—has dined publicly with Luchese and met him at race tracks.

- Luchese called at the home of THOMAS MURPHY, now on the federal bench after prosecuting Hiss, to congratulate him when Murphy was appointed N. Y. Police Commissioner; the Murphys dined with the Lucheses; the Lucheses in return visited the Murphys' summer home on Long Island. (Further questioning about the Luchese-Murphy relationship was choked off by hearings chairman and former N. Y. Supreme Court Justice Proskauer, who said: "Let it go at that. . . . The mere fact that a man like Judge Murphy is named is no reflection on him. . . .")



MYLES LANE
Most embarrassing

- U. S. ATTY. MYLES LANE, former Dartmouth football star who brushed off for the government the Rosenberg and Hiss appeals, was shown to be a friend of 3-4 years' standing of Rackets Coordinator Luchese; he went to Washington with him and introduced him to his wife. (Lane, who is now prosecuting CP leaders but lately turned over much of his work to assistants, popped back into court two days after his relations with Luchese were exposed to demand a contempt citation for Elizabeth Gurley Flynn because she would not become an informer.)

HIGH TYPE GENTLEMAN: Luchese has twice been arrested for murder, once for receiving stolen goods, once for vagrancy (not convicted on any of these counts); served time for auto theft; was named by the Fed. Narcotics Bureau, New England Divn., as an associate of vice and dope king Lucky Luciano. The hearings showed that after strenuous efforts by an aide in Myles Lane's office he won a good-conduct certificate from the N. Y. Parole Board, restoring his right to vote.

Hob-nobbing with mayors, governors, as well as many judges and prosecutors, Luchese could pay well for favors. He generously bought tickets for Democratic Party dinners (sometimes as much as \$2,000 worth). But some of the men he knew he could not buy. Of ALP chairman Vito Marcantonio whom he said he had known "since I was a young man," this is what was said:

Q: "Made any contributions or loans to him?"

A: "No. As a matter of fact, one day I asked him and he said, 'No, Tom, I have all the money I need, no contribution from anyone.'"

BENCHES FOR SALE: While many judges rise to the bench over the bodies of witch-hunt victims, another method was outlined before the commission by Frank L. Dufficy, asst. U. S. Atty. 1939-44. In 1947, when Municipal Judge Manuel Katzenstein was about to retire, Dufficy testified he had taken a taxi ride with Democratic dist. leader William Connolly who had said Dufficy's chance of replacing Katzenstein depended on "whether I made satisfactory arrangements":

"He said it had always been the arrangement to the club and in the other clubs that when a district leader had a nomination

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Don for a Municipal Court judgeship to give out, that the one who got the nomination would give to the district leader at least one year's salary plus a campaign fund of at least \$5,000. . . . He told me that he had an offer on behalf of one of the lawyers in the club of \$15,000 for himself for the nomination—that is for Mr. Connolly—plus a campaign fund of at least \$10,000. [Connolly set \$100,000 as the price for a State Supreme Court judgeship, according to Duffley.] And he asked if I would be willing to match that. . . . He said it [\$15,000] was for him, his individual capacity, and was not to go into the club treasury. . . . A few days after . . . Connolly said, 'Well, if you are not willing to pay for it . . . I am not going to give it to you or anyone else who is not willing to pay for it.' A few days after, an announcement appeared in the press that the designation went to another lawyer in the club."

FREEDOM FROM WANT: Though requiring an investment, judgeships can pay off handsomely—as shown in the case of former State Supreme Court Justice Aaron J. Levy who served two 14-year terms at \$28,000 a year. His salary 1946-1951, was \$140,000; his books showed an income of \$326,025, expenditures of \$80,000 more than that. He transferred to a son-in-law David E. Frankenstein 8,100 shares of stock worth \$125,000, awarded 70 receiverships to his family maid (a lucrative patronage made up of court fees and other

gravy involved in administering funds), bought securities in his maid's name and took the dividends as she received them.

Pressed to explain the handling of some of this money, Frankenstein told the commission:

"I invested in the American capitalist system."

NOBODY HOME: Luchese, himself, was unavailable last week. He had given his testimony behind closed doors; was subpoenaed to appear for public grilling, but filed a motion before the State Supreme Court to vacate the subpoena. Before that motion could be argued, the Commission yielded to the Rackets Coordinator completely, contenting itself with reading into the record his 600 pages of private testimony and agreeing never to subpoena him "to testify at this or any future hearing, public or private."

U.S. marshals were said to be seeking Luchese for denaturalization and deportation proceedings; he was not in to them at his Queens, N.Y., home, his Lido Beach summer residence, his Manhattan office, his favorite resorts in New Jersey or Florida. On Thursday the Commission, without calling witch-hunters Saypol, Murphy or Lane to explain their connections with Luchese, abruptly ended its inquiry into politics, shifted its interest to the water front.

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SEC. 10
SEC. 11
SEC. 12
NIGHT SUPERVISOR
PROPERTY CLERK
TRAINING UNIT

The Rosenberg children visit their parents

TWO little boys
Went to see their mom and
dad

After a year
A year is a long time
When you're five years old
And even when you're nine
It may be hard to remember
What life

With mother and father
Was like
Before the death-house shadow
fell

On the after-school bread and
butter

And the goodnight kiss
And the tousled yell
In the morning
"Get up, mom!"

After the months in the Shelter
The no-story nights
The cold mornings
The fingers pointing
"Spy, spy, got to die!"

After the barred windows
The whispers, the creaks in the
dark, the faces

The strange faces
Coming, going, changing
Asking, telling, explaining
How can you explain
To two little boys

Your mother and father are
sentenced to die in the
electric chair

Where
In God's name
Will you find words to explain
The cold war, the hate, the lies
The hunt for spies, the shame
of justice pounding
Two young Jewish people

Your father and your mother
Living on the block like other
folk

Getting in the laundry
Coming home from work
Laughing, singing, worrying
Fussing, "Hurry, hurry
"Supper's ready"

It may be hard for two little
boys to remember

But they remember well

(Those other two)
The mother and the father
In the stone-ringed cell
Through the long year
Waiting, waiting
For the day to come
For the hour to near
While the heart breaks
And the hand clasps its
breaking

They remember
What jokes to tell
What songs to sing
To bring

The memories of home back
With nickel candy
From the prison store

Each one holds to his breast
a son

And hears
The sweet boyish laughter
Ring
The death-stalked wall

Were there tears?
Yes, there were tears
They came after

—Mildred Burgess

Widex

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Atonic knowledge

VENICE, CALIF.

I am an old man, many years past the allotted three score and ten, but alert and active, and I hope to be for a few years yet, so I try to help by writing letters of protest.

I compiled a list of the chronology of the development and discovery of nuclear fission, starting with the discovery of alpha particles by Rutherford in 1904, together with the discovery of artificial radioactivity by Curie and Joliot in 1934, the discovery of the neutron by Chadwick in 1932, and the positron by Anderson in 1932, and the announcement of nuclear fission by Hahn and Strassman, on Jan. 26, 1939.

I also compiled a list of the books and articles describing nuclear fission, starting with Elements of Nuclear Physics (Prentice-Hall, 1936), by Franco Rasetti, of the Univ. of Rome; Introduction to Nuclear Physics, by N. Feather (Cambridge Press, 1936), and Applied Nuclear Physics, by Pollard & Davidson (John Wiley & Sons, 1942), and many others. Most of these books and publications I have in my files.

I sent this compilation to Hon. Hugo Black of the Supreme Court, as proof that it was impossible for Ethel and Julius Rosenberg to have given any information about the subject to the Soviet Union, because such information was common knowledge all over the world among physicists years before the commencement of World War II. I received an acknowledgement from Mr. Black, and am quite sure that he only one to open the case on account of my letter of proof.

C. E. Steere

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Dec 11, 1952